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removing children from adult jails

a guide to action

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PREPARED FOR
United States Department of Justice
Law Enforcement Assistance Administration
Office of Juvenile Justice and Delinquency Prevention

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Foreword

The principal goals of the Juvenile Justice and Delinquency Prevention Act are the deinstitutionalization of status and non-offenders as well as other offenders committing less serious delinquent acts, and the separation of juveniles and adult offenders. The long entrenched practice of institutionalization in this country is nowhere more prevalent nor grievous than with respect to the confinement of children in adult jails and lockups. Our failure to fully recognize these problems and act appropriately is largely due to a lack of public information and misconceptions fueled by the rhetoric of ill-conceived rationales.

The Children's Defense Fund in Children in Adult Jails gave us a glimpse of this continuing national tragedy and issued a call for action at the local, state and federal levels. The Guide to Action presented here is in response to these and other findings. It provides information and direction for state and local government agencies as well as citizen advocacy groups interested in removing children from adult jails and lockups. Significantly, the Guide recognizes the important role of citizen as well as official responses to the problem. The step-by-step approach presented here emphasizes a meaningful role for the public in the planning, implementation and monitoring aspects of the overall effort. It is only within this context that we can hope to meet the difficult challenges of deinstitutionalization.

Ira Schwartz, Administrator
Office of Juvenile Justice and
Delinquency Prevention

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Who are the children in adult jails

It is estimated that 500,000 juveniles a year are held in adult jails and lockups in the United States. The Children's Defense Fund states that even the half-million figure is "grossly understated." Although federal legislation requires the separation by sight and sound of juveniles and adult offenders, they are confined together in many states and local communities. In some places, "sight and sound separation" has resulted in juveniles being placed in solitary confinement for long periods.

Most of the children in jails are confined for property or minor offenses. Eighteen percent are in jails for acts such as running away, or being incorrigible--status offenses which would not be crimes if committed by adults. A recent study by HEW of 755,000 juvenile runaways shows that many were not seeking adventure but were fleeing emotional, physical, and sexual abuse:

> 'A growing number of teenagers were what the bureau describes as *throwaways*, young people who are forced out of their homes.
>
> 'We're finding in programs that we're seeing an increase in the number of kids that are being pushed out of their homes, or they leave their homes at 15, 16 years of age by some kind of mutual agreement between the parent and the young person.
>
> 'When the young are forced out of the homes, we're talking about adolescent abuse, sexual abuse; we're talking about the destruction of the family unit being such that the young people are just told to go out and make it on their own.'
>
> The National Youth Work Alliance, a national organization of community-based youth services in Washington, states that 'there is another kind of *throwaway*, the teenager who is forced out of his home for economic reasons.
>
> 'With inflation in general and the housing market in particular, people are living in smaller and smaller units with less and less space, sort of like, just how many little birds can fit in a nest?
>
> 'Well, somebody gets pushed out and you see this particularly in large cities with minority young people where they just don't fit in the apartment anymore; that seems to be an increasing factor of a lot of homeless youth.'

Perhaps the most penetrating examination of children in adult jails was conducted by the Children's Defense Fund. Their nine state study found that children, including status offenders, frequently "are placed in cells with adults charged with violent crime." They discovered that:

-- A 15-year old girl was confined with a 35-year old woman jailed for murder.

-- A 16-year old boy was confined with a man charged with murder, who raped the boy on three occasions.

-- A 16-year old boy, arrested for shoplifting, was confined in a cell with a man charged with shooting another man.

-- A 16-year old boy was confined with five men. One was AWOL from the military, one was charged with assault and battery, one was an escaped prisoner from another state, one was in jail charged with murder of his wife, and one was charged with molesting three boys on the street.

-- A 14-year old girl was confined in a cell with two women charged with drug use, who constantly cut themselves with pieces of glass.

-- A 16-year old boy was confined in a cell with a man charged with murder.

-- A 15-year old boy was confined with three adults, two were charged with drunkenness and one with murder.

Inadequate separation also means that children are held in cells with the mentally disabled. We learned that juveniles are regularly mingled with inmates who are mentally ill or retarded or with inmates awaiting competency hearings.

Rape, other forms of physical abuse and harassment, and suicides are among the most grievous and predictable consequences of confining juveniles with adult offenders.

Many of the county jails and municipal lockups in which juveniles are held are in deplorable condition. In Under Lock and Key, a juvenile court judge described such a jail:

> When the total picture of confinement in the Lucas County Jail is examined, what appears is confinement in cramped and over-crowded quarters, lightless, airless, damp and filthy with leaking water and human wastes, slow starvation, deprivation of most human contacts, except with others in the same subhuman state, no exercise or recreation, little if any medical attention, no attempt at rehabilitation, and for those who in despair or frustration lash out at their surroundings, confinement, stripped of clothing and every last vestige of humanity...

In Jails, the author notes:

> Since most jail employees are law enforcement personnel, often uninterested in or hostile to their assignments to guard inmates, people in jail are...placed in the hands of those who are least likely to teach or exhibit (respect for law and order)...the least qualified and the poorest paid employees in the criminal justice system, the jail guards.

American Jails, a publication of the Centennial Congress of Corrections, states:

> The majority of county and city jails are more or less independent units, each having a certain autonomy. The grounds, buildings and equipment are owned by the respective counties and cities. In a majority of cases the buildings are old, badly designed, poorly equipped, and in most instances in need of urgent repairs. They are not properly heated, ventilated nor lighted; they do not have the necessary facilities for the preparation and service of food; proper and adequate provision for bathing and laundering are missing; sanitary arrangements are, for the most part, primitive and in a bad state of repair; only in rare instances are there proper hospital facilities or means for caring for the sick and informed; religious services are infrequent; educational activities are almost completely unknown...Recreation is most restricted to card-playing, and in general, complete idleness is the order of the day. Filth, vermin, homosexuality and degeneracy are rampant, and are the rule rather than the exception. Of these there is no more pressing nor delicate problem, among the many confronting jail administrators today, then the ever-present and increasing problem of homosexual behavior among those incarcerated in jails all over the nation.

The Youngest Minority, a publication of the American Bar Association asserts:

> Besides deliberate and intentional infliction of discipline in a cruel manner, punishment can also imply a wrong in institutional management that is not erased by good intent and lofty purposes. For example, a 14-year old juvenile was serving 90 days on a chain gang for petty larceny. He was shot in the face by a trusty guard and lost both eyes and suffered brain damage.

Adult jails often lack the most basic medical services. In the questionnaire survey of "medical facilities" in 1,431 jails, the American Medical Association found that 759 provided "First Aid Only." Further investigation revealed that many of the "medical facilities" listed were nothing but first-aid kits.

A recent study by Yale University researchers found that three-quarters or more of the violent children in a Connecticut reform school "had been seriously abused by their parents or caretakers." This included being hit with a belt buckle or whip, and being burned and beaten with a stick. Ninety-six percent of this group were "found to have brain or neurologic disorders or psychiatric problems."

In adult jails and lockups, the mental and physical ailments of juveniles, including drug reactions and diabetes, often go unnoticed. This neglect can and does lead to unnecessary deaths.

Adult jails are not required to provide educational, recreational or indeed any services or programs for juveniles. According to the last National Jail Census, many states had no visiting facilities. In an interview with a Children's Defense Fund staff, a 12-year old confined in a jail cell in the men's section, said:

> ...all steel and you can't see nothing. There was nothing to read, nothing to do at all. I did nothing. I screamed at the cops. It's the only thing to do. Then sometimes they'd push me around. The thing--it was boring. You could be dying in there and they wouldn't even know. Once I ripped a handle off the wall. I wanted to see if they would see me in the camera. But no one came. Another time I smashed a great big hole in the wall and they didn't know.

Self-reports of juvenile crimes show that nearly 98 percent of all adolescents will commit at least one criminal act which will go unreported to police. But it is poor children, unable to marshall the support of parents, lawyers, or other resources, who are most likely to be jailed. In Jails: The Ultimate Ghetto of the Criminal Justice System, Ronald Goldfarb points out:

> The flexibility of the delinquency concept has aggravated the tendency, already severe, toward class and race discrimination in the administration of juvenile justice. Offenses by young people are common, but, generally, poor children in trouble end up in jails and other correctional institutions. Minority group children are disproportionately represented, white children under-represented.

While recent survey findings indicate that the extent to which children are held in adult jails and lockups may, in fact, be declining, the current situation can only be viewed as abysmal, at best. Poulin, et. al., in Juveniles in Detention Centers and Jails: An Analysis of State Variations during the Mid-1970's provides perhaps the most comprehensive comments regarding children in jails.

> During the mid-1970's approximately 120,000 juveniles were detained annually in adult jails. Juvenile detentions in jails were distributed disproportionately as well. Ten states (Idaho, Illinois, Kentucky, Minnesota, New Mexico, Ohio, Oregon, Texas, Virginia, and Wisconsin) accounted for over 50 percent of the admissions to jails. However, in all but eight states, some juveniles were held in adult jails. Variation among states in rates of jail detentions per 100,000 juveniles ranged from zero to 2,733. Reliance on adult jails for detaining juvenile offenders during the mid-1970's was greatest in the western United States.

The statistical data which continues as the missing link is the extent to which juveniles are held in municipal lockups. While the Children's Defense

Fund study Children in Adult Jails estimates the overall county jail and municipal lockup admission figures to be in excess of 500,000 per year, none of the studies noted above have surveyed municipal lockups. The great potential for personal destruction inherent during the early hours of confinement illustrates the critical importance of further examining the practices of these facilities.

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Myths about children in adult jails

A number of myths are associated with the jailing of juveniles. We hear most often that these children are dangerous and "the community must be protected." The truth is that while serious lawbreaking receives a great deal of publicity, only about ten percent of delinquent youth who appear in court are violent. A 1978 report to the Ford Foundation, Violent Delinquents, reveals that "violent acts by juveniles account for 10-11 percent of all juvenile arrests...repeated violence by juveniles is not a common phenomenon," and "simple assault is the most common violent crime committed by juveniles." A survey by the Children's Defense Fund found that of 162 children for whom jails had recorded charges, only 19 (11.7 percent) were in jail for alleged dangerous acts. In a study of 1,138 juvenile offenders in Columbus, Ohio, the Academy for Contemporary Problems learned that "Youths arrested for violent offenses constituted less than one-half of 1 percent of juveniles born in Franklin County, Ohio in 1956-68, and less than 2 percent of all such persons with a pre-adult police record."

In Children in Jails: Legal Strategies and Materials, the National Juvenile Law Center reported that:

> ...a recent NCCD study, conducted in Upper New York State, revealed 43 percent of the children in local jails were alleged PINS (persons in need of supervision), none of whom were charged with any crime. A Montana survey found that dependent and neglected children were routinely held in jails; at over half of the jails, children were confined as a deterrent, even absent formal charges against them. The census reported that two-thirds of all jvueniles in jail were awaiting trial. In 7 states, all children detained are held in jail and in 21 states, more children are held in jail than in equally available juvenile detention facilities. Analysis of correctional programs in 16 states revealed that 50 percent of children between 13 and 15 in these programs, had previously been in jail one or more times.

A report on juvenile correctional reform in Massachusetts, prepared by the Center for Criminal Justice at Harvard Law School, compares an "old system" in which all detention was in secure settings, with a "newer system" of detention in open settings, such as shelter care. The report concluded that "In the newer system, since around 80 percent of the youth are in relative open settings with relative low recidivism rates, the policy implication is clear. It is possible to put the majority of youth in open settings without exposing the community to inordinate danger."

To protect children from themselves or from dangerous home environments is another rationale for jailing juveniles. The Children's Defense Fund reveals that,

> In the name of protecting children, we found many youngsters in the filthiest, most neglected and understaffed institutions in the entire correctional system. One child was in jail because her father was suspected of raping her. Since the incest could not be proven, the adult was not held. The child, however, was put in jail for protective custody.

The President's Crime Commission was told of "four teen-age boys, jailed on suspicion of stealing beer, who died of asphyxiation from a defective gas heater, after being left alone for eleven hours in an Arizona jail." In Indiana, a 13-year old boy, veteran of five foster homes, "drove his current foster father's car to the county jail and asked the sheriff to lock him up. The child was segregated from adults pending a hearing for auto theft. A week later his body was found hanging from the bars of his cell; a penciled note nearby read, 'I don't belong anywhere.'"

A recent study of North Carolina jails found young males arrested on drinking charges are particularly prone to suicide--usually within the first 24 hours of incarceration.

For children who are abused or self-destructive, being caged with dangerous offenders, in inadequate facilities lacking sufficient or trained staff, is a life-threatening situation. In 1979, the National Coalition for Jail Reform, comprising 29 organizations including the American Correctional Association, the National Sheriff's Association, the National League of Cities, the American Institute of Architects, and the National Council on Crime and Delinquency, unequivocably endorsed the goal "that no child should be held in an adult jail," and stated that, "confinement in an adult jail of any juvenile is an undesirable practice. Such confinement has know negative consequences for youths--sometimes leading to suicide, always bearing life-long implications." The National Coalition for Jail Reform is in accord with the National Assessment of Juvenile Corrections' assertion that:

> Throughout the United States conditions in jails and most detention facilities are poor; they are overcrowded and lack the basic necessities for physical and mental health; supervision and inspection are inadequate, and little or no in-service training is provided. Lack of continuing supervision is especially problematic for jailed youth, since they can be abused by adult prisoners.

In a four-year study conducted by New York State's Select Committee on Child Abuse, a "definite link" between child abuse and neglect and juvenile delinquency was shown. Reviewing this, and similar findings in other studies from across the nation, the National Council on Crime and Delinquency concludes, "If children first visit court as victims and receive no assistance, they return to the same problems and develop survival skills that often cause their return to court as the accused.

Children are also put in jails "to teach them a good lesson." However, this lesson often backfires. In their Dangerous Offender Project, a three-year effort funded by the Lilly Endorsement, the Academy for Contemporary Problems discovered that, "Incarceration seems to speed up, rather than retard, the recidivism of the 'violent few' among juvenile offenders." The researchers charge that "Juvenile court dispositions swing from a total lack of punishment at the beginning of a criminal career to overly harsh incarceration a few crimes later on." Early on, "A youth learns that he can break the law and not be punished. He is unimpressed with the seriousness of the law." When finally put behind bars, he is likely to regard it as merely "the luck of the draw." The study concludes that, "Legislators and judges ought to devise intermediate sanction measures that will make incarceration less frequently necessary. Among these might be restitution, community service orders, restrictions to a group home, and other losses of liberty designed to show that the court means business."

The lavishly praised "Scared Straight" program, in which prison inmates brutally try to frighten youngsters out of careers as lawbreakers by sneering, making homosexual advances, and offering tales of how men are crippled in jails, has been shown to be a failure. A recent study by Rutgers Professor James O. Finckenauer traced 46 juveniles who had graduated from the Rahway prison sessions and set up a control group of 35 similar youths who had not attended them. "Contrary to televised claims that 80 to 90 percent of the project's alumni had stayed out of trouble, Finckenauer found that only 59 percent of his subjects avoided arrest; in contrast 89 percent of the control group had not been arrested.

Worse yet, of 19 youngsters who went to Rahway with no criminal record, six later broke the law." It is not surprising that many authorities express shock that "unacceptable prison conditions, instead of being corrected, are being touted as a remedy for youth crime."

Children are terrified by jails. They associate them with abuse--homosexual abuse, abuse by guards and abuse by other prisoners. As a result, they learn they cannot trust adults charged with carrying out the law. They learn to hate. The National Council on Crime and Delinquency, states:

> The fact that murders and other violent crimes are committed by children does not make the criminal justice system any more suited to the task of control and rehabilitation of young people. Every study of prisons for adults has demonstrated the disabling effects and inappropriateness of prison environment for bringing about positive change in attitudes and behavior. The intensive, specialized efforts needed for the serious young offender have a better chance to evolve from programs and experimentation within the juvenile system.
>
> The act of remanding violent young offenders to the criminal courts is often a surrender and a cop-out by otherwise responsible public officials. In too many cases it is a political ploy to appear tough on crime rather than face up to the need for an intelligent attempt to cope with serious crimes by children within the juvenile justice system and to contend with the causes of such crimes.
>
> It is ironic that leaders in the juvenile justice field choose to push the most serious offenders into the criminal courts and to devote their resources to truants, runaways, and unruly children, who were pushed into their laps by education, welfare and mental health systems which also prefer to appear tough rather than smart.

Law enforcement officials and judges often regret jailing children, but justify their actions in the belief that, "Juvenile detention facilities are unavailable, overcrowded or inappropriate." The fact is that even where detention centers are readily available and existing legislation prohibits the jailing of juveniles, children are still placed in jails. In seven out of eight states where surveys were conducted by the Community Research Forum of the University of Illinois, it was found that the availability of detention centers did not in itself preclude children from being placed in jails. The Children's Defense Fund discovered that several thousand children were confined in adult jails every year in a Texas county with a large detention center. Where the practice of jailing children is permitted legally, or through lack of enforcement of statutory prohibitions, jails will be used to hold children.

Overcrowding of juvenile centers should not be used as an excuse for jailing children, since many could be released or held in a community-based setting pending trial. A survey of the effects of an employees' strike, which resulted in the furloughing of many juveniles from state training schools in Pennsylvania, found that "of 426 young people released for a period of two days to three weeks, nearly all returned without incident."

In Confronting Youth Crime, a report by the Twentieth Century Fund, concluded that preventive pretrial detention is "inappropriate and unjust," and that community supervision, rather than detention, should be utilized to insure that young defendents appear for trial. However, the Supreme Court, which has broadened the rights of children charged with delinquent acts, has yet to act at all on procedural guarantees for young people facing legal sanctions for "misbehavior or uncontrollability."

Children who are mentally ill or seriously retarded, and difficult to place are also put in jails. The Children's Defense Fund team discovered children in jails who were on waiting lists for mental hospitals, along with children who simply had no place to go. "One boy's mother had been hospitalized, and because no relative or neighbor had been able to take him the sheriff took him to jail." Under Lock and Key notes that in Montana where dependent and neglected children were held in jails "when necessary," "Juveniles could remain in jail for indefinite periods since only a few counties or cities had procedures for controlling the maximum number of days they could be held."

The final myth concerning the jailing of children is that it is appropriate to "jail children who have been waived from juvenile court to adult criminal court," a practice which is increasing. Guided by public fears and pressures, many broad statutes are being enacted to permit juveniles to be tried in criminal courts. Disturbed youth and juveniles who have committed simple assaults are swept up with those who murder or rape. "All these laws will do is lock a few kids up for a longer period of time," states the ACLU's Children's Rights Project. More than that, they will legally subject juveniles, including less serious offenders, to the risks and harms of commingling with adult criminals.

In Florida, a 16-year old boy was waived to an adult court for purse-snatching. He spent 201 days in an adult maximum security facility, much of it in solitary confinement, while his case was repeatedly continued in adult court.

He became increasingly disturbed, telling an officer he would set the place on fire if he was not let out:

> The officer reported this to the supervisor and was told to watch the prisoner's conduct carefully to determine if additional solitary confinement procedures should be used. Within five minutes, smoke was coming from polyurethane mattresses stored outside the cell, which the prisoner apparently ignited by throwing lighted newspapers near them.

One officer and ten prisoners, including the boy himself, lost their lives in this fire. Yet in 1978, Florida enacted a law permitting states' attorneys to prosecute in adult court any 16 or 17-year old who has previously committed two delinquent acts, one of which is a felony. Felonies may include such acts as auto theft and selling marijuana. Having been deprived even of a waiver hearing, the juvenile may then be tried and handled in every respect as if he were an adult. Similar statutes are being enacted despite official crime statistics which show juvenile crime lessening in many areas.

The case for removal

In 1973, the Senate Subcommittee to Investigate Juvenile Delinquency heard clear and convincing testimony concerning the harmful effects of commingling juvenile and adult offenders:

> Regardless of the reasons that might be brought forth to justify jailing juveniles, the practice is destructive for the child who is incarcerated and dangerous for the community that permits youth to be handled in harmful ways.

From this and similar testimony came the Juvenile Justice and Delinquency Prevention Act of 1974.

The requirements of the Act with respect to juveniles in adult jails and lockups are embodied in section 223(a)(13):

> (13) provide that juveniles alleged to be or found to be delinquent and status and non-offenders shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

The implementation of the Act has been directed principally towards changing the traditional practice of institutionalizing juveniles. Schools, parents, police, the courts, and the community in general, have been required to examine their perceptions of juvenile delinquency and their methods of dealing with youth in trouble. Recent research and national standards have provided strong support for the mandates of the Act, particularly with respect to the removal of juveniles from adult jails and lockups.

Still, in most states, the criteria for secure detention of a juvenile are that he be "likely to run, likely to commit a new offense, or likely to harm himself." This concept of "likely to" has been denounced as vague and subjective by the American Bar Association, the National Advisory Commission on Criminal Justice Standards and Goals, and other organizations concerned with juvenile justice standards. They assert that language such as "likely to" gives too much latitude to law enforcement officers and others who make decisions about releasing or detaining children. Views of what constitutes "the best interests of a child," or which child is "likely to" engage in harmful behavior are as varied as the attitudes of each arresting officer. Organizations such as the American Bar Association suggest that specific criteria including type of offense, legal history, and legal status be used in determining whether to detain or release a child. In this way, decisions can be reached irrespective of sex, race, appearance, socio-economic status, access to legal counsel, etc.

Studies by the Community Research Forum of the University of Illinois show that where objective and specific criteria have been adopted, reductions of up to 80 percent have occurred in the number of youth requiring secure detention without increased danger to the public safety or the court process.

While the Juvenile Justice and Delinquency Prevention Act holds that juveniles can be detained in adult jails and lockups as long as they are kept separate from adult offenders, "separation" is poorly defined in most state statutes. Often, a reading of the statute does not clarify whether juveniles are ever permitted in adult jails, or if they may be held in adult jails when separated from adult offenders. What is meant by "separation" is also unclear as to physical, sight, sound or other separation, and open to individual interpretation. Finally, local law enforcement officials have often refused to obey even the clearest separation statutes based on a variety of ill-conceived rationale.

In an effort to clarify the level of separation required for compliance with Section 223(a)(13), the Office of Juvenile Justice and Delinquency Prevention considered all possible levels of "contact" between juveniles and adult offenders. Their findings provide a strong case for a prohibition on the jailing of juveniles and point out many of the inherent problems associated with any level of separation short of complete removal. The following position statement describes these findings in detail.

OJJDP POSITION PAPER - AMENDING SECTION 223(a)(13) TO REQUIRE REMOVAL OF CHILDREN FROM ADULT JAILS AND INSTITUTIONS

The purpose of this position paper is to provide a recommendation to amend Section 223 (a)(13) of the Juvenile Justice and Delinquency Prevention Act of 1974. This paper presents a recommendation which is supported with background information, data, and rationales for change. Section 223 (a)(13) of the JJDP Act states that juveniles alleged to be or found to be delinquent, status offenders and non-offenders shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

RECOMMENDATIONS

Change Section 223 (a)(13) to read as follows:

"provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which adult persons are incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;"

This change is accomplished by deleting the phrase"...they have regular contact..." after the term "institution" and placing the word "are" between the phrase "...persons incarcerated..."

This change will result in a requirement to remove children from adult jails, lock-ups, and institutions in lieu of the current requirement which only provides for separation of juveniles and adults.

Separation is an issue in almost all county jails and municipal lock-ups. Recent state experience in achieving "sight and sound" separation has often resulted in living conditions tantamount to isolation in the most undesirable areas of the facility (i.e., isolation cell, drunk tank, etc.). These experiences give rise to the notion that adequate separation as intended by the Act is virtually impossible within the confines of most county jails and city lock-ups.

An effort to require complete removal will strengthen the existing legislation and ensure juveniles' rights are not being violated, from either the constitutional guarantees or from the fact that a child under the juvenile justice system is not placed in an adult facility which is designed for the criminal justice process.

A timeframe for compliance, such as five years from date of amendment enactment, should be considered and built into the statutory language. A specific recommendation regarding a timeframe should be discussed in more detail before it is decided how to incorporate it into the language.

While the arguments for placing juveniles in jails are fragile and founded on incomplete and contradictory information, the arguments against holding juveniles in jail are pervasive and along scientific lines. They are summarized below:

> ...the "criminal" label creates a stigma which will exist far longer than the period of incarceration. This stigma increases as the size of the community decreases and affects the availability of social, educational, and employment opportunities available to youth. Further, it is doubtful if the community's perception of the juvenile quarters in the county jail is any different than that of the jail itself.
>
> ...the negative self image which a youth often adopts when processed by the juvenile system is aggravated by the impersonal and destructive nature of adult jails and lock-ups. Research continues to document the deleterious effects of incarceration and the conclusion that this experience, in and of itself, may be a contributing factor to continued delinquent activity.
>
> ...the practice of holding juveniles in adult jails is contrary to the development of juvenile law and the juvenile justice system which, during the past 79 years, has adamantly emphasized the separation of the juvenile and adult systems.
>
> ...the occurrence of physical harm and sexual abuse of juveniles by adults is well documented and greatly increased within the secure and obscure confines of an adult jail or lock-up.

It has long been recognized that children require special protections when they come into contact with the criminal justice system. The initial impetus for the development of the juvenile justice court in 1899 was to provide such protections and remove children from jails and other parts of the adult criminal justice system.

CURRENT EFFORT (ADEQUATE SEPARATION)

OJJDP's initial effort focused on determining and defining the level of separation necessary for compliance with Section 223 (a)(13) because of a lack of clarity in the statutory language. In this effort OJJDP considered all possible levels of "contact."

Working from the premise that regular contact between juveniles and adult offenders was detrimental and should be eliminated in secure confinement facilities, the effort was directed at what types of contact should be prohibited. The levels of contact which were considered included physical, visual, aural, and environmental. These various levels of contact were defined as follows:

No Separation: Adult inmates and juveniles can have physical, visual and aural contact.

Physical Separation: Adult inmates and juveniles cannot have physical contact with each other.

Sight Separation: Conversation possible between adult inmates and juveniles although they cannot see each other.

Sound Separation: Adult inmates and juveniles can see each other but no conversation is possible.

Sight and Sound Separation: Adult inmates and juveniles cannot see each other and no conversation is possible.

Environmental Separation: Adult inmates and juveniles are not placed in the same facility. Facility is defined as a place, an institution, a building or part thereof, a set of buildings or an area whether or not enclosing a building, which is used for the secure confinement of adult criminal offenders.

A common thread which ran throughout this effort was an attitude which approached each of the issues from an advocacy posture on behalf of youth. Considerable attention focused on the traditional representation of police, jailers, the courts and correctional officials, as well as the taxpayers and the architects, in matters related to the elimination of regular contact (or establishing it in the first place). It was clear that from an operational, financial, and design perspective that a limited interpretation of regular contact, such as physical only, would be the most expedient, most convenient, and least costly alternative. Obviously, this is not what the Act intended. Throughout, the Act mandates an advocacy posture on behalf of young people on all relevant issues and seeks to provide a voice, or representation, for their interests in the planning and operation of the juvenile justice system. It is from this perspective that OJJDP has addressed the issue of "separation." It is currently the position of OJJDP that Section 223 (a)(13) requires at a minimum that "sight and sound" separation be achieved.

RATIONALES FOR CHANGE

Data

The detention of juveniles in adult jails and lock-ups has long been a moral issue in this country which has been characterized by sporadic public concern and minimal action toward its resolution.

It is suspected that the general lack of public awareness, and the low level of official action are exacerbated by the absence of meaningful information, and the low visibility of juveniles in jails and lock-ups. This situation is perpetuated by official rhetoric which cloaks the practice of jailing juveniles in a variety of poorly-conceived rationales. In fact, the time-honored but unsubstantiated "rationales" of public safety, protection from themselves or their environments, and lack of alternatives break down under close scrutiny.

In reality, the aggressive and unpredicdictable threat to public safety perceived by the community is often just the opposite. A recent survey of a nine-state area by the Children's Defense Fund indicates that 18 percent of the juveniles in jails have not even been charged with an act which would be a crime if committed by an adult. Four percent have committed no offense at all. Of those jailed on criminal-type offenses, 88 percent are there on property and minor offenses.

Not until 1971, with the completion of the National Jail Census, did a clear and comprehensive picture of jails surface. By its own admission, the Census showed only a snapshot of American jails and the people who were incarcerated in them. Significantly, it excluded those facilities holding persons less than 48 hours. This is critical with respect ot juveniles because it is the police lock-up and the drunk tank to which alleged juvenile offenders are so often relegated awaiting court appearance.

The Census did, however, give us the first nationwide indication of the number of juveniles held in jail. On March 15, 1970, 7,800 juveniles were living in 4,037 jails. A comparable census in 1974 estimated that the number had grown to 12,744. The inadequacy of the data is compounded when a determination of the number of juveniles admitted to adult jails and lock-ups each year is sought.

Recent surveys indicate that this figure ranges up to 500,000. The Children's Defense Fund states that even the half-million figure is "grossly understated" and that "there is an appalling vacuum of information...when it comes to children in jails."

A recent study funded by OJJDP reports the number of juveniles held in adult jails during the mid-1970's for forty-six states and the District of Columbia. During the mid-1970's, approximately 120,000 juveniles were being admitted annually to the adult jails of the states for which information was available. Again, it is significant to note that municipal lock-ups are not included in this study. The study presented a comparison of juveniles admitted and the percentage put in adult jails in lieu of detention centers. Fourteen states detained more than half of their alleged juvenile offenders in adult jails with eight of the fourteen detaining over three-quarters in jails. Regardless of the true figure, it is clear that the practice of jailing juveniles has not diminished during the last decade.

Injuries Suffered by Children in Adult Jails

A study developed by the Juvenile Justice Legal Advocacy Project and funded by OJJDP discussed the issue and litigation regarding injuries suffered by children in jails. The following is contained in that study.

Virtually every national organization concerned with law enforcement and the judicial system--including the National Council on Crime and Delinquency, American Bar Association and Institute for Judicial Administration, National Advisory Commission on Law Enforcement, and National Sheriffs' Association--has recommended or mandated standards which prohibit the jailing of children. This near unanimous censure of jailing children is based on the conclusion that the practice harms the very persons the juvenile justice system is designed to protect and assist. As was concluded in Senate hearings on the subject:

> Regardless of the reasons that might be brought forth to justify jailing juveniles, the practice is destructive for the child who is incarcerated and dangerous for the community that permits youth to be handled in harmful ways.

Jailing children hurts them in several ways. The most widely known harm is that of physical and sexual abuse by adults in the same facility. The cases of assault and rape of juveniles in jails are too many to be enumerated and too common to be denied. Even short-term, pre-trial or relocation detention in an adult jail exposes male and female juveniles to sexual assault and exploitation and physical injury. One textbook gives the following description of the dangers of being a juvenile in jail:

> Most of the children in these jails have done nothing, yet they are subjected to the cruelest of abuses. They are confined in overcrowded facilities, forced to perform brutal exercise routines, punished by beatings by staff and peers, put in isolation, and whipped. They have their heads held under water in toilets. They are raped by both staff and peers, gassed in their cells, and sometimes stomped or beaten to death by adult prisoners. A number of youths not killed by others end up killing themselves.

Sometimes, in an attempt to protect a child from attack by adult detainees, local officials will isolate the child from contact with others. This also has been shown to be harmful to the child. As Dr. Joseph R. Noshpitz, past president of the American Association for Children's Residential Centers and Secretary of American Academy of Child Psychiatry testified in Lollis v. New York State Department of Social Services that placing juveniles in jails often causes them serious emotional distress and even illness:

> In my opinion extended isolation of a youngster exposes him to conditions equivalent to "sensory deprivation." This is a state of affairs which will cause a normal adult to being experiencing psychotic-like sysptoms, and will push a troubled person in the direction of serious emotional illness.
>
> What is true in this case for adults is of even greater concern with children and adolescents. Youngsters are in general more vulnerable to emotional pressure than mature adults; isolation is a condition of extraordinarily severe psychic stress; the resultant impact on the mental health of the individual exposed to such stress will always be serious, and can occasionally be disastrous.

Having been built for adults who have committed criminal acts, jails do not provide an environment suitable for the care and keeping of delinquents or status offenders. They do not take into account the child's perception of time and space or his naivete regarding the purpose and duration of this stay in a locked facility. The lack of sensory stimuli, extended periods of absolute silence or outbreaks of hostility, foul odors and public commodes, and inactivity and empty time can be an intolerable environment for a child.

For the juvenile offender who is jailed with adults, his term of detention exposes him to a society which encourages his delinquent behavior, even giving him sophisticated criminal technique and contacts. High recidivism rates have shown to be false the belief that the unpleasant experience of incarceration will have a deterrent effect on the child's future delinquent acts. To the contrary:

> If a youngster is made to feel like a prisoner, then he will soon begin to behave like a prisoner, assuming all the attributes and characteristics which he has learned from fellow inmates and from previous exposure to the media.

Being treated like a prisoner also reinforces the delinquent or truant child's negative self image. It confirms what many delinquent children already fear about lack of social acceptance and self worth. In its Standards and Guides for the Detention of Children and Youth, the National Council on Crime and Delinquency concluded:

> The case against the use of jails for children rests upon the fact that youngsters of juvenile court age are still in the process of development and are still subject to change, however large they may be physically or however sophisticated their behavior. To place them behind bars at a time when the whole world seems to turn against them, and belief in themselves is shattered or distorted merely confirms the criminal role in which they see themselves. Jailing delinquent youngsters plays directly into their hands by giving them delinquency status among their peers. If they resent being treated like confirmed adult criminals, they may--and often do--strike back violently against society after release. The public tends to ignore that every youngster placed behind bars will return to the society which placed him there.

Additionally, incarceration in a jail carries with it a degree of criminal stigma. A community seldom has higher regard for those incarcerated in a jail than it does for the jail itself. This is especially handicapping to a youth from a rural or less sophisticated community with a small population.

Thus, the impact of jailing juveniles is directly in conflict with the purpose of the juvenile justice system which was expressly created to remove children from the punitive forces of the criminal justice system. To expose a girl or boy to the punitive conditions of a jail is to immediately jeopardize his or her emotional and physical well-being as well as handicap future rehabilitation efforts.

Court Decisions/Litigation

In recent years, there has been a growing recognition by courts and commentators that individuals involuntarily committed to institutions for treatment have the "right" to such treatment, and, conversely, that individuals so committed who do not in fact receive treatment thereby suffer a violation of that right. In 1966, the United States Court of Appeals for the District of Columbia Circuit became the first federal court to recognize the right to treatment as a basis for releasing an involuntarily committed individual. The court listed several ways in which confinement without treatment might violate constitutional standards. For example, where commitment is without procedural safeguards, such commitment may violate the individual's right to procedural due process. Indefinite confinement without treatment of one found not criminally responsible may be so inhumane as to constitute "cruel and unusual punishment."

The United States Supreme Court has never squarely ruled on whether there is a constitutionally-based right to treatment. In Kent v. United States, the Court commented on the plight of children in the juvenile justice system;

> There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.

Later, in In re Gault, the Court reiterates the view of Kent that juvenile justice procedures need not meet the constitutional requirements of adult criminal trials, but must provide essential "due process and fair treatment."

Several courts have found a constitutional basis for the right to treatment in the Eighth Amendment's prohibition on cruel and unusual punishments. Their reasoning is generally based upon the principle established by the Supreme Court in Robinson v. California that punishment of certain statutes (e.g., drug addiction) constitutes cruel and unusual punishment. Still other courts have based the right to treatment on the principle that curtailment of fundamental liberties through involuntary confinement must follow the "least restrictive alternative" available. The principle was stated by the Supreme Court in Shelton v. Tucker:

> In a series of decisions, the court has held that, even though the government purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved. The breadth of abridgement must be viewed in the light of less drastic means for achieving the same basic purposes.

Under this rationale, the state violates the individual's constitutional rights if it fails to confine and provide treatment in the least restrictive setting possible.

The "right to treatment" developed in cases involving persons involuntarily confined for mental illness applies with equal force to the confinement of children in jails. The juvenile justice system is premised on the goal of rehabilitation, and juvenile courts have always been considered analogous to social welfare agencies, designed to provide treatment and assistance for children who have violated criminal sanctions or demonstrated socially unacceptable behavior.

The courts have recognized this principle. Indeed, in an early case considering the right to treatment, the petitioner was a juvenile who was being held in the District of Columbia jial as a result of an alleged parole violation. The court's decision was based on statutory grounds, but, in concluding that a juvenile who had not been waived by the juvenile court and tried as an adult could not properly be held in jail, the court noted:

> Unless the institution is one whose primary concern is the individual's moral and physical well-being, unless its facilities are intended for and adapted to guidance, care, education and training rather than punishment, unless its supervision is that of a guardian, not that of a prison guard or jailor, it seems clear a commitment of such institution is by reason of conviction of crime and cannot withstand an assault for violation of fundamental Constitutional safeguards.

The procedural due process rationale has specifically been used to declare that confinement of children in jails violates the children's constitutional rights. Baker v. Hamilton was a class action brought by parents of two boys who were confined in Jefferson County Jail, Kentucky, for four days and four weeks respectively, a gainst the sheriff, jail warden, and four juvenile court judges. The action was brought on behalf of the two boys and fifty-eight other boys who had been confined in the jail during 1971. After hearing the expert testimony on the effects on juveniles of placement in the jail, and after personally visiting the jail, the court ruled as follows:

> The Court is of the opinion that the present system used by the Juvenile Court Judge and his Trial Commissioners of selective placement of forty-five juveniles in the Jefferson County jail in pre-dispositional matters and of fifteen juveniles as a dispositional matter, even though these commitments be for limited periods of time, constitutes a violation of the Fourteenth Amendment in that it is treating for punitive purposes the juveniles as adults and yet not according them for due process purposes the rights accorded to adults. No matter how well intentioned the Juvenile Court Judge's acts are in this respect, they cannot be upheld where they constitute a violation of the Fourteenth Amendment.

Several courts have found the basis for juveniles' right to treatment in the Eighth Amendment prohibition on cruel and unusual punishment. In Cox v. Turley the court specifically addressed the pre-adjudication detention of juveniles in county jails. The court was specific in its conclusion. The court held that taken together, the jailor's refusal to permit the boy to telephone his parents and the boy's confinement with the general jail population without a probable cause hearing, constituted cruel and unuaual punishment in violation of the boy's rights under the Eighth Amendment to the Constitution. Further more, the court stated:

> The worst and most illegal feature of all these proceedings is in lodging the child with the general population of the jail, without his ever seeing some officer of the court.

In Swansey v. Elrod, juveniles between the ages of 13 and 17 who had been confined in the Cook County, Illinois jail pending prosecution brought a civil rights action against the sheriff and others, alleging that such incarceration constituted cruel and unusual punishment. The court heard expert testimony that the jail experience would cause a "devastating, overwhelming emotional trauma with potential consolidation of (these children) in the direction of criminal behavior." The expert testimony concluded that "the initial period of incarceration is crucial to the development of a young juvenile: if improperly treated the child will almost inevitably be converted into a hardened permanent criminal who will forever be destructive toward society and himself." The court therefore concluded:

> Children between the ages of 13 and 16 are not merely smaller versions of the adults incarcerated in Cook County jail. As noted the effect of incarceration in Cook County Jail on Juveniles can be devastating. At present these juveniles remain unconvicted of any crime and therefore must be presumed innocent. Although the Eighth Amendment does not mandate that this court become a super-legislature or super-administrator under these circumstances, the Court is not powerless to act. Under the Eighth Amendment children who remain unconvicted of any crime may not be subjected to devastating psychological and reprehensible physical conditions, and while other juvenile law cases are not strictly on point, they recognize that juveniles are different and should be treated differently. Thus, the evolving standards of decency that mark the progress of a maturing society require that a more adequate standard of care be provided for pre-trial juvenile detainees. Plaintiffs therefore have demonstrated that there is a likelihood of success on their Eighth Amendment claim.

In *Baker v. Hamilton*, the court also concluded that the detention of juveniles in adult jails constitutes cruel and unusual punishment. The court's discussion is particularly significant because many of the conditions present in that case are also present in jails in rural areas.

Moreover, juveniles who are victims of assaults by other inmates may sue for violation of their right to be reasonably protected from violence in the facility. Several courts have held that confinement which subjects those incarcerated to assaults and threats of violence constitutes cruel and unusual punishment. Also, if juveniles are separated from other inmates in jails and kept in isolation, in order to protect them from assaults, the children may nevertheless suffer such sensory deprivation and psychological damage as to violate their Constitutional rights.

In *Lollis v. New York State Department of Social Services*, the court found that the isolation of a 14-year-old girl in a bare room without reading materials or other form of recreation constituted cruel and unusual punishment. The court relied on expert opinion that such isolation was "cruel and inhuman."

Stance of National Organization

Leading national organizations have worked together to address jail reform and adopted position statements regarding areas of inappropriate confinement in adult jails and lock-ups. On April 25, 1979 the National Coalition for Jail Reform (NCJR) adopted, by consensus, the position that no person under the age of 18 should be held in an adult jail. The coalition believes that confinement in an adult jail of any child is an undesirable practice. Such confinement has known negative consequences for youth--sometimes leading to suicide, always bearing life-long implications. The diversity of the 28 organizations underscores the significance and strength of this position among these groups. Represented on the NCJR are the American Correctional Association, The National Sheriff's Association, the National Association of Counties, the National League of Cities, the National Association of Blacks in Criminal Justice and the American Civil Liberties Union.

In 1974, the National Assessment of Juvenile Corrections assumed and defended the position that "placing juveniles in adult jails and lockups should be entirely eliminated." Similarly, the Children's Defense Fund advocated, "to achieve the goal of ending jail incarceration of children, states should review their laws to prohibit absolutely the holding of children of juvenile court age in jails or lock-ups used for adult offenders."

As early as 1961, the National Council on Crime and Delinquency stated that:

> The answer to the problem is to be found neither in "writing off" the sophisticated youth by jailing him nor in building separate and better designed juvenile quarters in jails and police lock-ups. The treatment of youthful offenders must be divorced from the jail and other expensive "money saving" methods of handling adults.

The President's Commission on Law Enforcement and Administration of Justice established that "adequate and appropriate, separate detention facilities for juveniles should be provided." (The Challenge of Crime in a Free Society, 1967, page 87.)

Subsequent national standards in the area of juvenile justice and delinquency prevention reaffirmed this position.

The National Advisory Commission on Criminal Justice Standards and Goals states that "jails should not be used for the detention of juveniles." (NAC Task Force Report on Juvenile Justice and Delinquency Prevention, Standard 22.3, 1976, page 667.)

The American Bar Association and the Institute for Judicial Administration stated that "the interim detention of accused juveniles in any facility or part thereof also used to detain adults is prohibited." (IJA-ABA Juvenile Justice Standards Project, Interim Status, Standard 10.2, 1976, page 97.)

The National Sheriffs' Association stated that, "in the case of juveniles when jail detention cannot possibly be avoided, it is the responsibility of the jail to provide full segregation from adult inmates, constant supervision, a well-balanced diet, and a constructive program of wholesome activities. The detention period should be kept to a minimum, and every effort made to expedite the disposition of the juvenile's case." (National Sheriffs' Association of Jail Security, Classification, and Discipline, 1974, page 31.)

Isolation

Many jurisdictions have interpreted the level of separation required for compliance with the Act to justify the isolation of juveniles in adult facilities under the guise that they were technically separated by sight and sound. While such movements at the state and local level would constitute violations of constitutional protections and be accomplished to the detriment of juveniles admitted to the particular facilities, past experiences with compliance matters made it clear that such technical deception would most likely occur in selected areas. This practice, however, is clearly addressed in the Federal Juvenile Delinquency Act (18 USC Section 5031 et seq. 7676 Supp.). While it applies only to juveniles being prosecuted by the United States Attorneys in Federal district courts, it nonetheless underscores the intent that "every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care; including necessary psychiatric, psychological, and other care and treatment." Its conspicuous use of the terminology similar to the Juvenile Justice and Delinquency Prevention Act concerning "regular contact" gives credence to the notion that these minimum custodial provisions are under any scheme of separation. This is further supported by recent court litigation which has been that isolation of children in any facility is not only unconstitutional but is "cruel and inhuman (and) counterproductive to the development of the child." (Lollis v. New York State Department of Social Services)

The Children's Defense Fund in Children in Adult Jails circumscribes the placement of juveniles in jail. One standard approach is to require that children be separated from adult prisoners. "Separation, however, is not always defined in precise terms--sometimes a statute may specify that a different room, dormitory or section is necessary; in other cases, statutes provide that no visual, auditory or physical contact will be permitted. In still other states, the language is unexplained and vague. Although we have seen that one response to implementing this separation requirement is to place children in solitary confinement, legislatures seem not to have realized this would result, and a separation requirement is not usually accompanied by a prohibition on placing children in isolation. In fact, in none of the states studied did the statutes prohibit isolating children in jails.

"It is important to note that a clear and strongly worded separation requirement is no guarantee that children held in jails will receive services particularly geared to their special needs, i.e., education programs, counseling, medical examinations, and so on. While many separate juvenile detention facilities are required by state statute to have a full range of such services, including sufficient personnel trained in handling and working with children, children in these same states who find themselves in adult jails are not required to be provided with a similar set of services."

"Some states, at least, appear to recognize that the longer a child is detained in jail the greater the possibility of harm. As a consequence, their statutes established time limitations on the period that children can be held in jail; if some exist, extensions of indefinite duration are often sanctioned upon court order."

Federal Legislative History

In introducing a Senate bill which became the Juvenile Justice and Delinquency Prevention Act Senator Bayh described the provision later embodied in Section 223 (a)(13):

> My bill contains an absolute prohibition against the detention or confinement of any juvenile alleged or found to be delinquent in any institution in which adults--whether convicted or merely awaiting trial--are confined. Juveniles who are incarcerated with hardened criminals are much less likely to be rehabilitated. The old criminals become the teachers of graduate seminars in crime. In addition, we have heard repeated charges about the homosexual attacks that take place in adult institutions, and confining juveniles in such institutions only increases the likelihood of such attachs. There is no reason to allow adults and juveniles to be imprisoned together. Only harm can come from such a policy, and I would forbid it completely.

During floor debate on the Act in 1974, Senator Hruska declared, "What we are doing here is establishing a national standard of due process in the system of juvenile justice." And in urging enactment of the provisions of the Federal Juvenile Delinquency Act which prohibits confinement of juveniles in jails with adults, which were passed as amendments to Juvenile Justice and Delinquency Prevention Act legislation, Senator Mathias stated:

> Upon Federal Assumption of jurisdiction, the guarantee of basic rights to detained juveniles becomes extremely important. Each juvenile's attitude toward society and his ability to cope with life upon his release will be affected by the treatment received while under detention. We must not permit our young people to be detained under conditions which, instead of preparing them to face life with greater optimism, will assure their future criminality.

Cost Considerations

Preliminary research findings concerning the costs of removing juveniles from adult jails and lock-ups indicates that the economic costs associated with removing juveniles from adult jails and lock-ups may be less expensive than the cost of meeting the "sight and sound" separation mandate of the 1974 Juvenile Justice and Delinquency Prevention Act. The research presents cost estimates for three policy options: (1) continuing existing juvenile pretrial placement practices, (2) achieving the separation of adults and juveniles in local jail facilities, and (3) removing juveniles from adult jails and placing them in alternative juvenile facilities. The cost estimates of these policy alternatives were based on a case study of a seven-county region in East-Central Illinois which considered the costs of child care and custody as well as the transportation costs to be associated with regional cooperation between counties examined.

Several jails in the region were found not to be in strict compliance with the sight and sound separation mandate of the Act. The results indicated that completely separating juveniles from adults in these jails would, in many cases, be architecturally unfeasible and/or cost prohibitive. If all 366 juveniles annually detained in the adult jails of this region were transported to a nearby juvenile detention center (maximum distance of 50 miles), yearly pretrial placement costs would increase by an estimated 31 percent ($50,000) over current costs. Many of the 366 juveniles detained in these adult jails were charged only with status offenses or misdemeanors. Previous research by the Community Research Forum suggests that these children could be released to nonsecure settings without posing a threat to the public safety or court process. Therefore, if all children detained in adult jails were released to appropriate pretrial settings (i.e., shelter care or juvenile detention), pretrial placement costs for this region would increase by only 18 percent ($28,000) over current costs.

The research conducted by the Community Research Forum (CRF) suggests that achieving the sight and sound separation mandate of the Juvenile Justice and Delinquency Prevention Act is not economically feasible in many existing local jails. Experience suggests that many children are placed in county jails even though alternative juvenile facilities are located only a few miles away in a neighboring county. This study indicatesthat in regions where alternative juvenile facilities exist, but are not being fully utilized, children can be completely removed from ajils at a minimal increase in pretrial placement costs. (Larry Dykstra, "Cost Analysis of Juvenile Jailing and Detention Alternatives," Community Research Forum, University of Illinois. Final report scheduled for release in August 1980.)

Juvenile Deaths by Suicide in Jails

Preliminary research findings concerning the suicide rate among children who are placed in adult jails indicates that juveniles who are incarcerated in jails commit suicide much more frequently than do children in secure juvenile detention centers.

Federal policy currently permits children to be placed in adult jails if they are kept separate from adult prisoners. However, past research suggests that facility and staff limitations of jails often result in juveniles being held in isolation without supervision. These studies imply that placing children in jails, even when separated from adults, is both physically and emotionally damaging to those children. This paper presents data which have been gathered by means of the mail distribution of questionnaires to a national probability sample of adult jails in order to test the following hypothesis: the suicide rate among juveniles held in jails is higher than the suicide rates among children held in secure juvenile detention centers.

Provisional findings strongly support the validity of the working hypothesis. At present, 61 percent of the questionnaires that were mailed out have been received which gives us a total of 1,467 jails in our sample data. The incarceration of 69.214 individuals below the age of 18 during 1978 in those jails have been documented, which indicated that approximately 113,466 juveniles were held in all U.S. jails during that year.* Of those children, five were found to have committed suicide, which means that the suicide rate for juveniles incarcerated in ajils during 1978 was approximately 7.2 per 100,000 children. This is roughly seven times the suicide rate among children held in secure juvenile detention centers. Thus, we can conclude that the suicide rate among juveniles incarcerated in adult jails is significantly higher than the suicide rate among children held in secure juvenile detention facilities.

Other Considerations Justifying Removal in Lieu of Separation

- The separation of juveniles and adult offenders in most of the nation's jails and lock-ups is not only impractical from a cost standpoint but often architecturally impossible. This is particularly the case when viewed from the perspective that the juvenile area must comport to state or national standards regarding living conditions as well as the required sight and sound separation.
- The separation of juvenile and adult offenders is an enormous operational problem for law enforcement officials at the county and municipal level. The required level of supervision not only creates operational problems but often compounds an already overcrowded jail situation due to the disproportionate amount of living space. The sight and sound separation of juveniles typically involves the designation of an entire residential unit regardless of the number of juveniles held. These istuations have been documented as high as a 24-bed unit utilized for two juveniles and are as prevalent in recently constructed facilities as in older jails and lock-ups.

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*These figures do not include the number of children detained in the nation's police lock-ups. Data on the incidence of suicide in police lock-ups are now being collected and they will be included in the final report. Furthermore, there is evidence to indicate that some of these data reflect state statutes with regard to the legal definition of juvenile status rather than the requested definition of persons under the age of 18. Michael G. Flaherty, "An Assessment of the Incidence of Juvenile Suicide in Adult Jails, Lockups, and Juvenile Detention Centers," Community Research Forum, University of Illinois. Final report scheduled for release in August, 1980.

-- In several states the move to achieve sight and sound separation has resulted in the diversion of limited youth services dollars. A case in point is the State of New Mexico where, in a time of fiscal austerity, the state legislature appropriated $4 million for the architectural renovation of existing jails and lock-ups. While commendable in principle, the desire by New Mexico officials to meet the mandates of the JJDP Act utilized funds which were sorely needed for alternative programs and youth worker salaries.

-- Regardless of sight and sound separation, the confinement of juveniles in adult jails and lock-ups relegates them to the woefully inadequate basic services which have become the hallmark of these facilities. The documented lack of crisis counseling, medical services, recreational areas for indoor and outdoor exercise is particularly critical when viewed in context with the special needs of young people. Nowhere is this situation more acute than in the area of medical services where only ten percent of the county jails maintain a level of service beyond a first-aid kit.

-- The sociological arguments regarding the confinement of juveniles in adult jails and lock-ups are pervasive and long-standing. The perception of the community with respect to the adult jail or lock-ups are typically linked to the most sensational and aggravated criminal act. The general citizenry, particularly in rural areas tend to identify all jailed residents in that same light, thereby stigmatizing all youth who are admitted to the facility. The long-term result of this perception is a lessening of opportunities in the community in the area of school and extracurricular activities, employment and civic responsibilities. Equally as destructive is the reinforcement of community rejection experienced by the youth and the feeling of negative self-worth.

-- The environmental response to residents is typically directed to the most dangerous criminal. In an adult jail or lock-up, security hardware and architecture, staff attitudes and building materials are developed with the serious felon in mind and almost always inappropriate for the majority of adult offenders, let alone the juvenile residents.

Given the fact that most jails far exceed the residential maximum of 20 beds recommended by the national standards for juvenile facilities, the well documented probelms inherent in large facilities are applicable. These include:

-- Larger facilities require regimentation and routinization for staff to maintain control, conflicting with the goal of individualization. Smaller groups reduce custody problems, allowing staff a more constructive and controlled environment.

- Larger facilities convey an atmosphere of anonymity to the resident and tend to engulf him in feelings of powerlessness, meaningless, isolation and self-estrangement.
- Larger facilities tend to produce informal resident cultures with their own peculiar codes which function as a potent reference for other residents.
- As the size of a detention facilities increases, the staff to youth ratio declines.
- Larger facilities reduce communication between staff and residents, as well as between staff members themselves.

-- Preliminary research findings regarding state juvenile codes indicate an increase in the number of state legislatures which have enacted prohibitions against the confinement of juveniles in adult jails and lock-ups. Significantly, the State of Washington, Maryland and Pennsylvania have successfully defended this prohibition in subsequent efforts to amend the legislation. (Jane King, "A Comparative Assessment of Juvenile Codes," Community Research Forum, University of Illinois. Final Report scheduled for release in June, 1980.)

While some states had enacted legislative restrictions prior to the passage of the 1974 Juvenile Justice and Delinquency Prevention Act, the majority of the legislative activity on this subject was in response to the mandates of the Act. More significantly, the legislation enacted since 1974 has removed many of the ambiguities which have plagued the earlier legislation. In addition, states have moved increasingly to an outright prohibition on the jailing of juveniles rather than the traditional response of merely separating within the facility.

-- Preliminary research findings regarding the attitudes toward the practice of confining juveniles in adult jails and lock-ups indicate a strong opposition to the jailing of non-offenders, status offenders and property offenders. Opinions were mixed (about 50-50) with respect to the jailing of person-offenders. These findings are significant in two respects--offenses against persons represent less than ten percent of all juvenile admissions to adult jails and lockups, and the citizens interviewed live in a rural county where the jailing of juveniles is most prevalent. (Brandt Pryor, "Rural Registered Voters Beliefs about the Practice of Jailing Juveniles." Community Research Forum, University of Illinois. Final report scheduled for release in August, 1980.)

Another example, as the Children's Defense Fund points out, is findings and policy of the DOJ's Bureau of Prisons.

> Juveniles do not belong in a jail. However, when detaining a juvenile in a jail is unavoidable, it becomes the jailor's responsibility to make certain that he is provided every possible protection, and that an effort is made to hlep him avoid any experiences that might be harmful. This means that the juvenile must always be separated as completely as possible from adults so that there can be no communication by sight and sound. Exposure to jailhouse chatter or even to the daily activities of adult prisoners may have a harmful effect on the juvenile. Under no circumstances should a juvenile be housed with adults. When this occurs, the jailor must check with the jail administrator to make certain that the administrator understands the kinds of problems that may arise. There is always a possibility of sexual assault by older and phsically stronger prisoners, with great damage to the juvenile.
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> Keeping juveniles in separate quarters is not all that is required. Juveniles present special supervisory probelms because they are more impulsive and often more emotional than older prisoners. Their behavior may therefore be more difficult to control, and more patience and understanding are required in supervising them. Constant supervision would be ideal for this group and would eliminate numerous problems.
>
> Juveniles in close confinement are likely to become restless, mischievous, and on occasion, destructive. Their tendency to act without thinking can turn a joke into a tragedy. Sometimes their attempts to manipulate jail staff can have serious consequences. A fake suicide attempt, for example, may result in death because the juvenile goes too far; no one is around to interfere. (U.S. Bureau of Prisons, The Jail: Its Operation and Management)

SUMMARY

While the current language of the Act encourages the removal of juveniles from adult jails and institutions the only requirement is for separation of juveniles and adult offenders. There appears to be ample evidence that the mere placement of juveniles in adult jails, lock-ups and institutions produces many of the negative conditions which Congress sought to eliminate in Section 223 (a)(13). These include the stigma produced by the negative perception of an adult jail or lock-up regardless of designated areas for juveniles, the negative self-image adopted by or reinforced within the juvenile placed in a jail, the often over-zealous attitudes of staff in an adult facility, the high security orientation of operational procedures, the harshness of the architecture and hardware traditionally directed towards the most serious adult offenders, and the potential for emotional and physical abuse by staff and trustees alike.

In this same vein, it was felt that any acceptable level of separation within adult jails would not only be a costly architectural venture if adequate living conditions were to be provided, but would be virtually impossible in the majority of the existing adult facilities. Thus, the Act should be amended to require the removal of juveniles from adult jails, lock-ups, and institutions.

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Planning to effect change

The preceding sections of this Guide to Action illustrate the complexity of the problems presented by the issue of children in jails. The successful resolution of these problems requires a planning process which is comprehensive in nature and facilitates the broad spectrum of opinion in this area. The effort in any community to remove juveniles from adult jails and lockups should be premised on three basic precepts.

First, it is important to note that the decision to place a juvenile in a residential program be determined by objective and specific criteria. This is particularly important for those youth awaiting court appearance, where historically the release decision has been contingent upon the non-legal biases of individual intake workers, resulting in widely disparate perceptions of what personal characteristics constitute "likely to commit another offense," "likely to run," and "likely to harm himself." The biases commonly include attitude, reliability of parents, personal appearance, and status in the community, as well as the more prevelant abuses based on sex, race, and income.

Both the IJA-ABA Juvenile Justice Standards Project and the National Advisory Committee Report to the Administrator on Standards for the Administration of Juvenile Justice recommend objective release criteria based on offense, legal status, and legal history. Technical assistance experience has indicated that the use of objective and specific criteria dramatically reduces the use of secure detention with no increased danger to the public safety or the court process.

Second, a residential program must be viewed within the context of a network of alternative programs directed toward the use of the least restrictive setting for each youth. The development of one monolithic response to the needs of youth awaiting court appearance greatly limits flexibility and the ability to respond to changing program needs. This is particularly important in light of rapidly developing program innovations which meet the needs of youth on both a residential and non-residential scale. For instance, solely considering the development of a community-based shelter care facility, and excluding other options such as emergency foster care and home detention would severely limit future flexibility. Even greater restrictions are placed on the community which relies totally on a secure residential facility which creates an irreversible commitment well into the 21st Century.

Finally, and perhaps most important, it is essential to view the development of residential programs from the perspective of the young persons who will be living there albeit on a temporary basis. Traditionally, the views of police, youth workers, the courts and correctional officials, and architects, have been most strongly represented in the development of juvenile residential facilities. It is clear that from an operational, financial, and design perspective, traditional interpretations of residential needs would be the most expedient, most convenient, and least costly alternative. However, this is not what the Act intended. Throughout, the Act mandates an advocacy posture on behalf of youth on all relevant issues, and seeks to provide a voice, or representation, of their interests in the planning and operation of all facets of the juvenile justice system. Therefore, considerations of size, security, location, and population must be sought from citizens, youth advocates and young people alike if workable alternatives to the continued use of adult jails and lockups are to be developed.

A note of particular caution is in order at the outset of the planning process. Those involved in the effort to remove juveniles from adult jails and lockups should be aware that removal, in and of itself, does not solve the problem. The potential for "widening the net" is a concern voiced repeatedly by practitioners and researchers alike. Kramer and Steffenmeirer in "The Differential Detention/Jailing of Juveniles: A Comparison of Detention and Non-Detention Courts" found that a much higher rate of secure detention existed in those counties which had access to separate juvenile facilities than in those counties which utilized adult jails and lockups. This rate was particularly high with respect to the detention of status offenders in counties using separate juvenile facilities. This tendency by the court to detain more juveniles if a "good" facility is available can only be avoided by the adoption and strict adherence to the specific and objective release/detention criteria mentioned earlier. It is clear from CRF technical assistance experience that detention is greatly overused and that to simply shift those youths being held in adult jails and lockups to separate juvenile detention facilities is not only an expensive and unnecessary proposition, but one which could create an institutional environment not unlike the adult facilities.

The national standards require the development of written intake guidelines which require the unconditional release of an accused juvenile offender unless continued supervision is necessary "to protect the jurisdiction or process of the court; to prevent the juvenile from inflicting serious bodily harm on others or committing a serious property offense prior to adjudication, disposition, or appeal or to protect the juvenile from imminent bodily harm."

In making the determination whether continued supervision or unconditional release is required, the NAC argue that the intake worker should consider the following five factors:

a. the nature and seriousness of the alleged offense;

b. the juvenile's record of delinquency offenses, including whether the juvenile is currently subject to the dispositional authority of the family court or released pending adjudication, disposition, or appeal;

c. the juvenile's record of willful failures to appear at family court proceedings; and

d. the availability of noncustodial alternatives, including the presence of a parent, guardian, or other suitable person able and willing to provide supervision and care for the juvenile and to assure his or her presence at subsequent proceedings.

> If conditional release is not determined to be appropriate, the least restrictive alternative should be selected. Release should not be conditioned on the posting of a bail bond by the juvenile or by the juvenile's family, or on any other financial condition.

In those instances where continued supervision is required the NAC standards detail those circumstances where an accused juvenile offender can be held in secure detention :

a. they are fugitives from another jurisdiction;

b. they request protection in writing in circumstances that present an immediate threat of serious physical injury;

c. they are charged with murder in the first or second degree;

d. they are charged with a serious property crime or a crime of violence other than first or second degree murder which if committed by an adult would be a felony, and:

   i) they are already detained or on conditioned release in connection with another delinquency proceeding;

   ii) they have a demonstrable recent record of willful failures to appear at family court proceedings;

   iii) they have a demonstrable recent record of violent conduct resulting in physical injury to others; or

   iv) they have a demonstrable recent record of adjudications for serious property offenses; and

e. there is no less restrictive alternative that will reduce the risk of slight, or of serious harm to property or to the physical safety of the juvenile or others.

It is important to note that those who are eligible for release under the above criteria must be released. Those who fall within the exceptions and are eligible for secure detention may be released at the discretion of the court. CRF technical assistance experience indicates that adherence to these criteria will greatly reduce the level of secure detention with no increased danger to the public safety or court process.

During the course of our technical assistance activities, the Community Research Forum has found that successful pressure for change can come from several sources. For example, child advocates in an Eastern state effectively lobbied the state legislature to pass tough legislation prohibiting the jailing of children. In the West, a state juvenile justice advisory group targeted federal funds to develop alternatives to jailing children in the state's rural counties. Committee members of a regional criminal justice planning commission in the Southeast toured the jails in their four-county region. They found a high potential for abuse of the children in the jails and decided to devote their efforts to developing alternatives. In the Southwest, a federal court order mandated the removal of children from an overcrowded and unsafe jail.

Developing official concern for change does not always translate into an actual change occurring, however. Marshalling various public and official interests is required to reach consensus and act on solutions to removing children from adult jails. Moreover, it is possible to aggravate rather than improve conditions for children by responding to convenient and simplistic solutions. As noted earlier, a tendency in many communities is to construct juvenile detention centers to hold all children currently detained in the adult jail. Yet, it is often the case that these children would have been safely and more appropriately released to a supervised nonsecure setting. Haphazardly building large juvenile detention centers serves to perpetuate the inappropriate confinement of children and squanders limited resources needed for other youth services.

To avoid these pitfalls, the Community Research Forum has developed a planning methodology which arrives at rational solutions for removing children from adult jails. This planning process begins with a definition of the problems, moves through a method of obtaining information and assessing alternative solutions, and establishes a strategy for implementing, monitoring and evaluating the effectiveness of the new programs and procedures. Specifically, this planning methodology involves six sequential phases:

1. organize for planning;
2. assess needs;
3. obtain public input;
4. establish police and develop plan;
5. implement plan; and
6. monitor system.

Certainly planning maxims are inherent in this methodology. First, the methdology strongly endorses the concept of meaningful citizen participation in the planning process. Experience in government planning has repeatedly shown that citizens must actively participate with officials throughout the planning process to insure that programs will actually meet a community's needs. In the juvenile justice field, the response to problems has historically been one primarily concerned with cost efficiency and public safety, often at the expense of the youth's best interests. Inserting active citizen participation into this decision-making process preserves these traditional requirements, but also provides a voice for the rights and needs of children.

A second theme of this methodology stresses the need for accurate and detailed information before final decisions are reached. Narrow responses to problems are often formulated when an issue first arises. The intent of this planning methodology is to develop several options to solving a problem such that advantages and disadvantages of each option can be carefully assessed. These options can only be developed by obtaining sufficient information which

details existing programs, recent trends in the local juvenile justice system, and records opinions of local professionals working with daily juvenile justice operations.

The following sections provide a narrative description of completing each phase in this process.

PHASE I: ORGANIZE FOR PLANNING

Planning Activities

1. **Perceive problem and tentatively identify major issues.**
2. **Assess need for and identify consultant resources.**
3. **Establish representative advisory board.**
4. **Convene advisory board;**
   - a. **discuss problems;**
   - b. **define and assess boundaries of youth service area;**
     - 1) **legal and geographic jurisdiction;**
     - 2) **funding sources;**
     - 3) **justice agencies;**
     - 4) **other service agencies;**
   - c. **determine project goals and objectives;**
   - d. **identify issues to be addressed by planning project;**
5. **Establish criteria for collection and analysis of data.**
6. **Establish working timetable.**

OUTCOME: STATEMENT OF BROAD PROJECT GOALS

Narrative

The planning process begins when juvenile justice officials in a community or state express interest in finding alternatives to placing children in adult jails. At this point, it should be determined if local staff resources can competently analyze the major issues as tentatively defined. If not, a search for and selection of qualified consultants should begin. Experienced consultants may be found in private firms or technical assistance may be obtained through the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C.

With adequate staff and resources allocated to the project, an advisory board should be established which is broadly representative of official and citizen interests. The development of this board is crucial to the future success of the planning project since it will have major decision-making responsibilities throughout the planning process. Therefore, advisory board members should be familiar with local juvenile justice issues, represent diverse community interests, and generally hold leadership positions in the community or state. Examples of the official interests to be represented on this board include: the judiciary, law enforcement, juvenile court staff, prosecution, public defenders and elected officials. Citizens with a broad concern for the welfare of children and who possess no vested interest in any one aspect of the local juvenile justice system should also be included on this board. These citizens might be chosen from a local child advocacy group, or from other public interest organizations having an interest in children's issues (i.e., League of Women Voters or the National Council of Jewish Women).

The initial function of this advisory board is to provide general direction and establish the goals for the planning project. This involves identifying potential issues which may have an impact on the current practice of jailing children. For example, it may be perceived that few nonsecure alternatives are available in the community, or poor coordination of existing programs results in children being jailed. Or perhaps children are jailed by an adult traffic court which has jurisdiction over juveniles involved in minor traffic offenses. Or, the unavailability of juvenile court staff after normal office hours may result in police jailing children overnight. Discussion by the advisory board of these potential problems results in a list of issues to be addressed by the planning board. The criteria to be used for collecting data and analyzing these issues should then be discussed. Criteria proposed by four recently released national standards projects can provide a perspective on national goals from which the local juvenile justice system can be compared. These national standards can also be supplemented with additional criteria for data gathering which pertain to issues of special local concern. These standards are available from the following groups:

IJA-ABA Juvenile Justice Standards Project
One Washington Square Village
New York NY 10012
(212) 598-7722

Commission on Accreditation for Corrections
6110 Executive Boulevard, Suite 750
Rockville MD 20852
(301) 864-1070

National Advisory Commission on Criminal Justice Justice
 Standards and Goals
Law Enforcement Assistance Administration
633 Indiana Avenue NW
Washington DC 20531
(202) 862-2900

National Advisory Committee to the Administrator on
 Standards for the Administration of Juvenile Justice
National Institute for Juvenile Justice and
 Delinquency Prevention
633 Indiana Avenue NW
Washington DC 20531
(202) 862-2900

The first phase of the planning process concludes when a consensus is reached by the board on the overall goals of the project and a working timetable for the project is established.

PHASE II: ASSESS NEEDS

Planning Activities

1. Identify existing youth service resources.
2. Review existing information;
    a. literature;
    b. standards;
    c. legal;
    d. aggregate statistics of juvenile justice system;
    e. policy and proacedures;
    f. other pertinent reports.
3. Conduct survey of juvenile justice system;
    a. interview key figures and staff in justice and youth service system;
    b. assess operation of existing youth service programs;
    c. survey characteristics of youth population;
        1) juvenile intake referrals;
        2) secure custody referrals;
        3) nonsecure custody referrals.
4. Determine capabilities and deficiencies of existing youth service system;
    a. law enforcement process;
    b. court intake process;
    c. judicial process;
    d. organizational structure;
    e. youth service programs.
5. Identify needs of youth service system;
    a. present;
    b. projected.

6. Prepare preliminary report with options to meet project goals and objectives.

OUTCOME: PRELIMINARY REPORT WITH OPTIONS TO MEET PROJECT GOALS

Narrative

Assessing the program needs of a community requires a thorough data collection effort which identifies existing local resources, provides insight into local practices, and records the characteristics of the children involved in the juvenile justice system. This information should be examined within the context of the goals of the advisory board, state statutes, regulations, and national standards. This phase is conducted by the professional planning staff assigned to the project.

The first step in this data collection effort requires the planner to develop a general familiarity with the placement alternatives available to local police and the juvenile court when a child is first arrested. Such alternatives may include: release to the child's parents; a runaway/shelter home; emergency foster parents; an intensive supervision program; a police lockup; or the adult jail. With these existing alternatives identified, secondary information should be examined. State and national standards, pertinent studies, state codes and court rules should all be reviewed. Reports from the juvenile court, law enforcement agencies, and the previously identified placement alternatives should also be analyzed. These materials can provide an understanding of policies, procedures and recent statistical trends within the local juvenile justice system.

The planner's perspective of the juvenile justice system as developed through written documents should next be supplemented with personal opinions of key local officials. Interviews should be conducted with persons involved in the daily operation of local juvenile justice programs. These may include: the juvenile court judge, the chief probation and court intake officers; the police juvenile specialist, the prosecutor, the public defender, the chief jailer, and administrators of the available alternative placement programs. These officials can provide invaluable information concerning the actual operations of the juvenile justice system and the successes and failures of existing programs. Additional insight into the capabilities and deficiencies of existing programs can be gained through the perspective of program staff. Therefore, an opinion survey of staff in existing youth service programs may also be required.

A sound information base results from this thorough data collection effort and allows the planner to assess the capabilities and deficiencies of the existing youth service system. Various options and their anticipated impacts can then be proposed to meet the goals of the planning project as identified by the advisory board. The information base should reveal that several factors affect the ultimate goal of removing children from jail and finding appropriate alternatives. The planner should carefully analyze each component of the juvenile justice system--law enforcement, court intake, judiciary, placement programs, and others--to note their impact on the placement needs of the jurisdiction. Program needs can then be assessed given a continuation of existing practices and procedures. Modifications to the existing system and their anticipated impacts developing a nonsecure shelter program, applying strict detention criteria, assuring the availability of the court intake staff on a 24-hour basis can also be proposed in the form of optional courses of action.

The needs assessment phase concludes with a preliminary report which presents a summary of the information collected, plus a discussion of policy options available to meet the goals of the planning project.

The most important aspect of this phase, and perhaps the entire planning process, is the collection and analysis of data concerning those juveniles who are arrested and referred to court. Juvenile referrals should be surveyed over a 45-day period with information recorded so as to measure adherence to the release/detention criteria proposed by the advisory group. This information includes offense, legal history, and legal status at the time of intake and should be recorded for all referrals. A survey instrument to collect this information is provided in the appendix. This information provides a profile of juvenile arrests and referrals in a jurisdiction. When projected against annual aggregate statistics and weighed against the proposed release/detention criteria, a reliable estimate of secure detention needs can be determined. A reliable estimate of secure detention needs resulting from a continuation of current practices is also available. CRF technical assistance experience has indicated that adoption of the NAC release/detention standards will typically reduce the need for secure detention by around 50 percent.

Of equal importance to this planning phase is the need to survey that portion of arrests and referrals who were placed in secure detention. The Secure Detention Survey instrument suggested in the appendix will measure length of stay which, along with the release/detention criteria, serves as the most critical variable in the assessment of secure detention needs.

PHASE III: OBTAIN PUBLIC INPUT

Planning Activities

1. Public hearing;
    a. publicize preliminary report and announce date of hearing;
    b. conduct hearing.

OUTCOME: CITIZEN RESPONSES

Narrative

An important step in this planning process involves obtaining the views of citizens before decisions are made. The goals of many programs are often never reached because public views were either ignored entirely or superficially requested after major decisions had been made. Experience has shown that the benefits of citizen participation can only be realized if citizens are given a partnership role in the decision-making process.

This stage of the planning process is especially timely for obtaining effective public input. Comprehensive information has been collected which assesses in detail the existing juvenile justice system. Problems have been identified and possible options to solve these problems have also been presented in the preliminary report. One possible method of obtaining community reaction to a preliminary report is to conduct a public hearing. To insure full participation, the preliminary report should receive wide exposure through the news media, and the date, location and purpose of the public hearing should be publicized. Summaries of the preliminary report, as well as extra copies of the full report, should be made available to interested citizens prior to the scheduled hearing. At the public hearing, the advisory board and planning staff should be present to answer questions and respond to comments from the public. Responses received during the public hearing provide the advisory board and other local decision-makers with a better awareness of public attitudes toward the local juvenile justice system. The public hearing also indicates public preferences toward the specific options available to achieve the planning project's goals.

PHASE IV: ESTABLISH POLICY AND DEVELOP PLAN

Planning Activities

1. Convene planning/advisory board;
    a. select and prioritize options;
    b. develop comprehensive plan.

OUTCOME: PLAN FOR ACTION

Narrative

At this stage the advisory board should meet again to consider public comment, discuss the preliminary report and reach consensus on which options to implement. Some of the decisions to be reached include determining: local policy for arrest and initial custody of children; the procedures of law enforcement and court staff after initial custody is made; guidelines for formal and informal court processing of cases; criteria for placement in secure and non-secure programs pending court appearance; personnel and financial requirements; and residential and non-residential program capacities. A plan and timetable for implementing these decisions should then be established by the advisory board. Periodic meetings of the advisory board should be scheduled to review progress of the plan's implementation.

PHASE V: IMPLEMENT PLAN

Planning Activities

1. Statutory and local policy changes.
2. Organizational development;
    a. goals and objectives;
    b. organizational structure;
    c. evaluation design.
3. Non-residential program development;
    a. goals and objectives;
    b. clients;
    c. staff;
    d. operations;
    e. evaluation design.
4. Residential program development;
    a. goals and objectives;
    b. clients;
    c. facility development;
    d. staff;
    e. operations;
    f. evaluation design.

OUTCOME: REMOVAL OF JUVENILES FROM ADULT JAILS

Narrative

The next phase of the planning process is to implement components of the plan as outlined by the advisory board. In some instances, local policies and procedures will be modified. Orientation and training of line staff, police and court staff is required to insure uniform application of these new policies and procedures. Other components of the plan may call for a new organizational structure or new residential and nonresidential programs. Steps should be taken to obtain the necessary approval of these components from local elective bodies or the state legislature.

In addition, the objectives of the programs need to be established to clearly define their purpose and their relationship to the overall youth service system. New programs must define the clients to be served, staff to be hired and the content of daily services to be provided. If a 24-hour residential program is to be developed, it must be decided whether existing facilities can be renovated to meet program needs or if a new building should be designed and constructed. All components of the youth service system should develop an evaluation design which identifies organizational and program objectives. The net result of these activities is a better functioning youth service system designed to meet the goals of the planning project and to provide suitable alternatives to placing children in adult jails and lockups.

PHASE VI: MONITOR SYSTEM

Planning Activities

1. Develop methods of monitoring the activities and effectiveness of youth service system;
   - a. clarify subject matter to be monitored;
   - b. establish authority to monitor;
   - c. collect information;
   - d. establish inspection methods;
   - e. establish reporting methods.

OUTCOME: PERIODIC MONITORING REPORTS

Narrative

The final planning phase involves monitoring the youth services system to insure that the goals of the planning project are achieved as intended. Proper monitoring authority should be vested in a state or local agency to collect data, inspect programs and propose necessary modifications to the youth service system. To the extent possible, the information necessary for monitoring should be collected from an existing information system or an adaption thereof.

Types of monitoring mechanisms and goals of the process are suggested by the IJA-ABA Standards Relating to Monitoring, as follows.

> The monitoring mechanisms employed should include, but are not limited to:
>
> A. independent, external mechanisms including private attorneys, statewide executive commissions, local and regional citizen advisory councils, ombudsmen system, and legislative committees;
>
> B. court-based mechanisms including the juvenile court, the appellate court, and the courts with general or limited jurisdiction empowered to hear matters concerning any aspect of the juvenile justice system;
>
> C. juvenile justice agency-based mechanisms performing a self-monitoring role for the functions of such agencies, including but not limited to police, prosecutor, probation and intake, and juvenile correction and detention functions.
>
> The general goals of the monitoring process and monitoring mechanisms should be:
>
> A. to ensure that all juveniles' substantive and procedural rights are protected, and that all pertinent laws, administrative rules and regulations, and executive or judicial policies pertaining to juveniles are continuously complied within any executive or judicial process, program, or facility under state or other public or private aegis, within the juvenile justice system;
>
> B. to evaluate the fairness, humaneness, availability, and effectiveness of any such executive or judicial process, program, or facility;
>
> C. to identify and evaluate alternatives to all forms of coercive intervention in juveniles' lives, including but not limited to coercive intervention at the arrest, pretrial, trial, and disposition stages, and all forms of incarceration or institutionalization; and to conduct or cause to be conducted research on the efficacy of such alternatives;
>
> D. to gather, evaluate, and disseminate information to components of the juvenile justice system and to the general public that provides the basis for remedies for illegal, unsound, unfair, or inhumane policies and practices, and that increases public awareness of policies and practices concerning juveniles; and to evaluate the speed, efficacy, and consequences of reform;
>
> E. to evaluate the adequacy and effectiveness of existing standards and criteria that apply to decisions made in any executive or judicial process, program or facility within the juvenile justice system; to identify and evaluate the needs for additional or more comprehensive standards and criteria; and to ensure the uniform application of standards;
>
> F. to identify and evaluate the existing documentary, informational, and data bases for monitoring the juvenile justice system, and, if necessary, to develop and implement additional provisions to ensure that information gathering, data collection, written records, and record maintenance are adequate for monitoring purposes.

Case Study: A SINGLE COUNTY PLANNING PROJECT

A large Midwestern community was experiencing a host of problems in finding satisfactory placements for juveniles awaiting court appearance. These problems were especially apparent at the two facilities available for secure detention of juveniles--the adult jail and the juvenile detention center. Limitations in facility design and available programs in the detention center resulted in some disruptive children being transferred to the adult jail. This practice exacerbated the detention center's already low average daily population which created high per diem costs.

The adult jail also had serious problems in safely handling juveniles. A wide range of official sources placed children in the adult jail, including those juveniles who could not be safely held in the juvenile detention center. The municipal court also used the jail to sentence juveniles convicted of traffic and misdemeanor offenses. Due to a complex juvenile code, police would use the jail for arrested youth who were not clearly under juvenile court jurisdiction. An overcrowded adult jail population required these juveniles to be placed in the same four-bed cell. In the past year, several juveniles had been seriously assaulted or attempted suicide in this cell.

The administrators of the jail and detention center requested technical assistance from the Community Research Forum to help find solutions to these problems. The first step in the planning process was to organize an advisory board. Four members from each facility's previously established advisory committees plus three citizens not associated with either facility were selected to form an ad hoc advisory board to study these specific problems. This diverse board had representatives from the judiciary, law enforcement, court staff, city and county commissions, youth counseling and the general public. The advisory board first met with CRF staff to discuss these problems and identify issues to be addressed by the study. These issues included:

- What are the secure and nonsecure custody needs of the community?
- What should the role of the jail and detention center be in the local juvenile justice system?
- What nonsecure alternatives to detention have yet to be tried?
- Does the juvenile code and/or local policy need modification to solve these problems?

With these issues outlined, CRF staff then identified existing youth service programs, interviewed officials in the juvenile justice system, reviewed state statutes and court rules, inspected facilities, studied prior reports on the local juvenile justice system, and analyzed recent statistics of local youth service programs. A 30-day survey of juvenile admissions to the jail and detention center was conducted to learn characteristics of the children detained. The detention center staff also participated in a survey to record opinions about the center's operations.

With this information, a preliminary report was drafted which addressed the issues listed above and presented options and recommendations. The report found that conditions in the jail were not amenable to holding children, but that the detention center could handle the community's secure juvenile custody needs given modifications to the facility, staff, admission criteria and program. Changes in the state juvenile code were suggested, but emphasis was placed on interim local policy changes that could occur within the context of the existing code. Alternative programs were proposed to help insure that secure custody was reserved for only children who posed a serious threat to the public safety or court process. Given strict admission criteria, the detention center would still have spare beds. Consequently, nearby communities could also use the facility, thereby maximizing the center's efficiency and removing children from other adult jails in the state.

Copies of the preliminary report were circulated to the advisory board, the media and interested citizens. A public hearing was then held to receive input on this preliminary report. The advisory board and CRF staff responded to recommendations in the report. The following day, the advisory board met again to reach consensus on some recommendations, defined areas requiring greater detail and set forth ideas on beginning the implementation stage of the process.

With this input, CRF staff prepared a final report which summarized reactions to the preliminary report and addressed areas of concern. The final report also proposed a mechanism for implementing the recommendations. Specifically, it was suggested that the ad hoc board or a committee of the regional criminal justice planning commission be given the mandate to set local policy concerning juvenile placement matters addressed by the report--arrest and court intake procedures, secure custody admission criteria. The committee would also be responsible for overseeing the implementation of the other recommendations and to forward the report to the state legislature. Action has already begun to carry out this implementation plan.

In summary, this community was faced with serious multi-faceted problems which were endangering the safety and welfare of juveniles who come in contact with the juvenile justice system. The use of this planning process brought government officials and concerned citizens together to search for solutions. Issues were clarified after a thorough data collection phase and potential actions could then be proposed. Media exposure and a public hearing on the preliminary report focused public attention on the problems and helped create a climate conducive to positive change in the system. This input also permitted recommendations to be refined and become more viable by incorporating community values and concerns. What soon emerged was a clear direction and positive action to alleviate specific problems and also improve the local juvenile justice system as a whole.

Case Study: A STATEWIDE PLANNING PROJECT

In 1978, the state legislature of a Northern industrial state passed legislation creating an administrative office for children and youth services. The legislature mandated the office to develop a statewide shelter care and detention plan for juveniles. The legislature was concerned that shelter care facilities and juvenile detention centers were available in the populous areas of the state, but that rural counties were placing children in adult jails. The legislature stipulated that the plan should "encourage the use of emergency shelter facilities and alternatives to secure detention where appropriate." The legislature also required that juvenile justice officials and "other persons concerned with children and youth services" be consulted during the planning process.

In this case, the state legislature was primarily responsible for defining the issues to be addressed and stating the broad project goals. Consequently, the office entered directly into the needs assessment phase of the planning process. The staff began by reviewing existing information such as legislation and court rules, crime statistics, population projections, locations and capacities of pretrial residential programs, etc. To assess the need for programs in each county, detailed information was required of those children referred to juvenile court and of those children placed in secure custody. Therefore, two surveys recording children referred to juvenile court intake and children admitted to secure custody were conducted for 30 days in each county of the state. Planning staff held meetings with juvenile justice officials in each county of the state to explain the surveys. At the same time, these officials provided considerable input about the special problems faced by their counties in finding suitable placements for children awaiting court appearance.

The survey results provided invaluable information concerning the need for residential and non-residential programs. The results allowed different methods of assessing need. First, the survey indicated the current placement practices of each county as recorded during the 30-day survey period. Monthly juvenile court data from the past year was then used to estimate each county's annual peak need for secure and non-secure programs given the continuation of existing practices.

However, the survey results showed a wide range of secure detention rates across the state, pointing to a possible misuse of secure detention. Therefore, a second method of assessing need looked at the impacts of applying uniform detention criteria across the state, such as those recommended by national standards.

Finally, the placement practices during the survey period were clearly affected by the placement alternatives available in each county at the time of the survey. Consequently, the third method of needs assessment asked court intake officers to record where each child would have "ideally" been placed if several placement alternatives were available in the county.

With this data base, the planning staff prepared a first draft of the statewide regional shelter care and detention plan. The impacts of adopting each of the assessment methods were presented in terms of capacities and costs of pretrial programs in each county. The draft also discussed the need for transportation systems, 48-hour holdover facilities in rural counties, the impact of finding placements more quickly for state wards detained in jails and detention centers and phasing the statewide implementation of the recommended programs.

This draft was circulated across the state and 14 regional public meetings were held to receive responses to the report. Subsequently, two other drafts were prepared before the final report was submitted to the legislature for review and approval.

Several factors played a role in the success of this planning process. First, the state legislature was sufficiently concerned with the problem of children in adult jails to request that a regional shelter care and detention plan be prepared. Second, local officials were consulted early in the process to obtain their knowledge of local problems. Third, the specific needs of each county were assessed based on the actual characteristics of the children involved in each county's juvenile justice system. Fourth, the persistence of the planning staff insured that each county accurately completed the 30-day surveys. Fifth, the opinions of local officials and the general public were obtained and heeded before a final report was prepared. Sixth, the introduction of specific and objective release/detention criteria presented an assessment of need for secure detention far below current practices. Finally, the legislature was presented with a detailed plan that included several options and the impacts of choosing each option. It is now expected that children will no longer need to be detained in the state's adult jails after the implementation of this plan.

Juvenile Intake Survey

COUNTY OF COURT JURISDICTION:

NAME OF PERSON COMPLETING SURVEY:

	IDENTIFYING INITIALS *(first, middle, last name)*	STATE *(see attached list)*	COUNTY OF RESIDENCE *(see attached list)*	SEX: *(1) Male, (2) Female*	ETHNIC: *(1) White, (2) Black, (3) American Indian, (4) Mexican American, (5) Other Spanish heritage, (6) Asian-Oriental, (7) Other*	PRESENT AGE *(years/months)*	SOURCE OF REFERRAL: *(1) Law enforcement agency, (2) School, (3) Parents, (4) Social services, (5) Probation/parole, (6) Self-referral, (7) Other*	WAS THE JUVENILE PLACED IN A SECURE FACILITY BEFORE YOU WERE CONTACTED? *(1) Yes (2) No*	DATE OF INTAKE ADMISSION				MOST SERIOUS OFFENSE CHARGED WITH AT INTAKE *(see attached offense code list)*	CLASSIFICATION OF MOST SERIOUS OFFENSE CHARGED WITH AT INTAKE: *(1) felony (2) misdemeanor (3) status (4) other*	PARENTS OR GUARDIAN CONTACTED AT INTAKE: *(1) Yes (2) No*	PARENTS OR GUARDIAN PRESENT AT INTAKE: *(1) Yes (2) No*	PARENTS OR GUARDIAN WILLING AND ABLE TO PROVIDE SUPERVISION: *(1) Yes (2) No*	COUNSEL PRESENT AT INTAKE: *(1) Yes (2) No*	JUVENILE CURRENTLY ON RELEASE STATUS ON A PRIOR CRIMINAL-TYPE OFFENSE: *(1) Yes (2) No*	JUVENILE CURRENTLY ON PROBATION OR PAROLE STATUS ON A CRIMINAL-TYPE OFFENSE: *(1) Yes (2) No*	LEGAL STATUS AT INTAKE			LEGAL HISTORY AT INTAKE			ACTUAL INTAKE DISPOSITION *(see reverse side)*	IDEAL INTAKE DISPOSITION *(see reverse side)*
									Hr.	*Mo.*	*Day*	*Yr.*									JUVENILE CURRENTLY AN ESCAPEE FROM AN INSTITUTION OR OTHER PLACEMENT FACILITY FOR ADJUDICATION ON A CRIMINAL-TYPE OFFENSE: *(1) Yes (2) No*	JUVENILE CURRENTLY VERIFIED FUGITIVE FROM ANOTHER JURISDICTION WHICH HAS REQUESTED THAT THE JUVENILE BE PLACED IN DETENTION: *(1) Yes (2) No*	JUVENILE HAS VOLUNTARILY REQUESTED PROTECTIVE CUSTODY IN WRITING AND IS IN IMMEDIATE DANGER OF SERIOUS BODILY HARM IF RELEASED: *(1) Yes (2) No*	NUMBER OF TIMES THE JUVENILE HAS BEEN ADJUDICATED FOR OFFENSES TO THE PERSON DURING THE PAST 12 MONTHS	NUMBER OF TIMES THE JUVENILE HAS BEEN ADJUDICATED FOR SERIOUS PROPERTY OFFENSES DURING THE PAST 12 MONTHS	NUMBER OF TIMES THE JUVENILE HAS WILFULLY FAILED TO APPEAR FOR JUVENILE PROCEEDINGS DURING THE PAST 12 MONTHS		
1																												
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	1-8	*9-10*	*11-13*	*14*	*15*	*16-19*	*20*	*21*	*22-23*	*24-25*	*26-27*	*28-29*	*30-31*	*32*	*33*	*34*	*35*	*36*	*37*	*38*	*39*	*40*	*41*	*42-43*	*44-45*	*46-47*	*48-49* **BLANK 52-80**	*50-51*

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University of Illinois at Champaign-Urbana

SECURE CUSTODY SURVEY

(for use in secure juvenile detention, jail, or police lockup)

COMPLETE THIS FORM FOR EVERY JUVENILE ADMITTED TO THIS FACILITY DURING THE SURVEY PERIOD.

BLANK (1-4)

1. Name of Facility: ______________________________ (5-7)
   (please print)

2. Location of Facility: ______________________________ (8-11)
   (city, county)

3. Identifying Initials of the Juvenile: ______________ (12-14)
   first middle last

4. County of Court Jurisdiction Over Juvenile: ______________ (15-17)
   (county)

5. Sex: (circle one) (1) Male (2) Female (18)

6. Ethnic: (circle one) (19)
   (1) White (2) Black (3) American Indian
   (4) Mexican American (5) Other Spanish heritage
   (6) Asian-Oriental (7) Other

7. Age: (years/months) ______________ (20-23)
   years months

8. Single Most Serious Offense Charged Against Juvenile: ______________ (24-25)
   (see attached offense code list)

9. Classification of Most Serious Offense Charged Against Juvenile:

   (circle one) (1) Felony (2) Misdemeanor (26)
   (3) Status (4) Other

10. Hour and date of Admission to this Facility: (hour, month, day, year)

   ____
   hour month day year (27-34)

11. Primary Reason for Detention at Time of Admission: (circle one)

Awaiting contact with juvenile court	.01	
Awaiting parents or guardian to take custody	.02	
Awaiting transfer to a secure facility or program before the preliminary hearing	.03	
Awaiting transfer to a nonsecure facility or program before the preliminary hearing	.04	
Awaiting court hearing(s), i.e., preliminary and/or adjudication hearings	.05	(35-26)
To receive a requested diagnostic assessment or a pre-disposition investigation	.06	
Serving a court ordered sentence	.07	
Awaiting transfer to a post disposition secure facility or program	.08	
Awaiting transfer to a post disposition nonsecure facility or prorgram	.09	
Other (please specify)	10	

12. Hour and Date of FINAL DISCHARGE: (hour, month, day, year)

   ____
   hour month day year (37-44)

13. At Time of Discharge, is the Juvenile Being Released to a Secure or Nonsecure Setting? (circle one)

   (1) Secure Setting (2) Nonsecure Setting (45)

   Please specify type of setting ______________________

(46-80) BLANK

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Alternatives to adult jails

> Joan M., 14 years old, ran away from home because she did not get along with her mother. Eric, 17, left because there was not enough room for him at home.
>
> Both needed help. And they found it at a runaway house here (Washington, D.C.), one of the many facilities in the country that provides short-term aid to such youngsters.
>
> The New York Times, May 20, 1979

There are many examples of successful alternatives to the secure detention of juveniles. In their careful analysis of home detention, attention homes, runaway programs, and private residential homes, University of Chicago researchers Thomas Young and Donnell Pappenfort found that upwards of 90 percent of juveniles in programs providing alternatives to secure detention neither committed new offenses nor ran away. The following is a summary of their study, Secure Detention of Juveniles and Alternatives to its Use, which was conducted under a grant from the Law Enforcement Assistance Administration:

Home detention programs permit youths to reside with their parents while meeting with probation officer aides at least daily. Some jurisdictions emphasize the supervision and surveillance aspects of this approach, while others stress the service components. But all seven programs studied authorized the aides to send a youth directly to secure detention when he or she did not fulfill program requirements such as daily contact with the aide, or attendance at job or school. Programs studied were Community Detention of Baltimore; Outreach Detention Program of Newport News, Virginia; Non-Secure Detention of Panama City, Florida; Home Detention of St. Joseph/Benton Harbor, Michigan; Home Detention Program of St. Louis, Missouri; Community Release Program of San Jose, California; and Home Detention Program of Washington, D.C.

Attention homes are group homes usually housing between five and 12 juveniles plus one set of live-in house-parents. Frequently the home is a converted single family dwelling in a residential neighborhood so that the juveniles can continue attending their schools. Social service workers are often available to the juveniles and to the adults providing care. The research team studied Discovery House Inc. of Anaconda, Michigan; Holmes-Hargadine Attention Home of Boulder, Colorado; and Attention Home of Helena, Montana.

Runaway programs are also group residences, but they differ in certain respects from each other and from the attention homes. Amicus House of Pittsburgh is designed for runaway youths from that area. Admission is not limited to juveniles referred from detention intake, and the program emphasized intensive counseling to resolve immediate crises, followed by referrals for longer-term help if needed. In contrast, Transient Youth Center of Jacksonville, Florida is geared to youths who are primarily from other states and who are brought in by police and court officials. Youths usually only stay a short time since the primary goal is to help them return to their natural parents.

Private residential foster homes can be quite different from one another. For example, the Proctor Program in New Bedford, Massachusetts is run by a private social work agency. It pays single women aged 20-30 to take one girl at a time into their homes for 24-hour care and supervision while agency staff develop full treatment plans. In contrast, the program studied in Springfield, Massachusetts is a network of foster homes (two beds each), two group homes (five beds each), and a "receiving unit" group home (four beds). Besides the foster parents and group home parents, a small number of professional staff provide counseling and advocacy services. This relatively extensive program was credited with helping Springfield to have a very low detention rate for a city its size.

PROGRAM RESULTS. For the 14 programs studied the "failure rates"--i.e., proportions of youths allegedly committing new offenses or running away while in the program--ranged from 2.4 percent to 12.8 percent.

None of the four types of program was associated with consistently better or worse failure rates, and "similar programs can produce different results" in different contexts, according to the study.

The researchers concede that their "failure rates" are open to challenge by those who claim that in home detention programs any juvenile referred to secure detention represents a "failure." If this criterion were used, the failure rates for the seven home detention programs in the study ranged from 8.1 percent to 24.8 percent.

RECOMMENDATIONS OFFERED. Young and Pappenfort offer several conclusions for the benefit of communities considering alternatives-to-detention programs, among them the following:

-- Since overuse of secure detention continues in many parts of the country, the main alternative should not be another program. A large proportion of youths should simply be released to their parents or guardians to await court action.

-- The various program formats appear to be roughly equal in their ability to keep their charges out of trouble and available to the court.

-- The higher rates of failure appear to be due to factors outside the control of program employees, such as excessive lengths of stay caused by slow court processing.

-- Residential programs, i.e., group homes and foster homes, are being used successfully for both alleged delinquents and status offenders.

-- The attention home format seems well suited to the needs of less populated jurisdictions, where separate programs for several special groups may not be feasible. It is also suitable for a mixed population of alleged delinquents, status offenders, and others.

-- A range of types of alternative programs should probably be made available in jurisdictions other than the smallest ones.

-- Even when alternatives are available, certain courts are "unnecessarily timid" in defining the kinds of juveniles to be assigned to them.

The variations of available alternatives to jail are limited only by the energy and imagination of local communities. While the need for alternatives is different in each jurisdiction, the programs generally fall within the following categories, as described by the New York Division for Youth in their recent publication Alternatives to Detention. They are reproduced here for use in developing more specific responses at the local level.

The program examples described in this section are reprints excerpted from Alternatives to Secure Detention Handbook published by the New York Division of Youth with support from the Law Enforcement Assistance Administration.

FAMILY COURT COMMUNITY AIDE PROGRAM

PROJECT EMPHASIS:

Youth who can remain in their own home during the court process but who require some supervision or assistance in order to insure their court appearance.

SUITABLE LOCATION:

Counties of any size or regional program could be operated by a private agency through a purchase service agreement with several counties.

PROGRAM CHARACTERISTICS:

- No facility.
- Use of paraprofessional community liaison workers.
- Added supervision for youth during the court process.
- Design of individualized programs during court process.
- Limited caseloads, intensive contact.

COST FACTORS:

- No capital investment.
- Staff salaries are primary cost. In some areas volunteers and part-time staff could be considered.
- Per diem cost related to size of worker case-load.

Many youth who are currently placed in detention may not run away or become involved in petty criminal activity if they remain in their own home during the court process. Often detention is necessary because of the nature of the parent/child relationship at the time of the petition. Strained family relationships may have resulted from a number of factors including particular parenting techniques, levels of interest, lack of family support or other family crises.

In order to prevent youth in this situation from running away or becoming involved in delinquency during the court process, some increased supervision is necessary. Rather than remove the child from his home, the Community Aide concept has been developed to provide the needed supervision for these youth while they remain at home. Depending on their needs, the Community Aide can coordinate the child's use of community resources, act as a companion, provide family support and be an advocate for the child. For example, the program would allow youth to remain at home, but receive intensive, daily counseling services from the Community Aide. The Aide would also pick youth up on scheduled court dates and accompany them to court. In addition, the Community Aide might make referrals to local agencies to obtain services which the youth or the family might need. Services such as tutoring, family counseling, homemaker assistance and others could be arranged through voluntary agreement by the Community Aide. This program allows a wide variety of services to be offered to the child based on individual requirements.

EVENING REPORT CENTERS

PROJECT EMPHASIS:

Youth whose primary problem focuses around the poor use of leisure time and negative peer group influences.

SUITABLE LOCATION:

This program is suited to urban and semi-urban counties. The family court must process enough cases to make the service economical. Also the service must be centrally located and accessible to youth referred.

PROGRAM CHARACTERISTICS:

- Store front or other useable space.
- Staffed by counselors and recreation workers.
- Encourages positive peer group interaction.
- Provides assurance of added supervision during the court process.
- May be an added service of an existing community program.

COST FACTOR:

- Rental or purchase of program location.
- Materials and supplies.
- Staff salaries; staff augmented by volunteer use.

Evening Report Center programs provide a way of assuring the family court that youth are not becoming involved in further petty delinquency during the court process. They also provide the advantage of avoiding the high cost and potentially harmful effects of secure detention. Youth who are before the court are required to report daily to the "Evening Report Center" for three to four hours in the evening. The Report Center operates activities such as counseling, recreation and tutoring.

Counseling activities at the Center focus upon the youth's peer and family problems. Both group and individual counseling sessions are held. While counseling is conducted daily, participation in all "counseling treatment" at the center is voluntary on the part of the youth and is seen in this way by the court. Individual counselor's primary efforts are aimed at establishing a constructive adult-youth relationship.

Recreation activities make up the major part of the Centers programs. Special recreation programs are designed to involve youth in a range of activities at the level where they feel most comfortable. Activities such as photography, pottery making, crafts, marshall arts, modern dance and gymnastics can be conducted by community volunteers working closely with the Center's youth workers. Other activities include traditional sports, games and field trips conducted by the Center's staff.

Education assessment and remedial teaching activities could be included in the Center's program. Educational and legal consultation should be available for youth who attend the Center.

Overall, the Center would use a client-centered team approach for the initial and on-going planning of contact with each youth. An interdisciplinary team of staff members establishes an approach to each youth on the basis of his particular problems and needs. Youth's input program planning would be arranged for as an integral part of the planning.

The Evening Report Center would have the limited goal of providing evening supervision for youth before the court. However, while at the Center, officials may gain a more accurate picture of the youth and his problem. At the same time, youth themselves may benefit from positive relationships and learn constructive ways of approaching problems and interests.

DAY TREATMENT CENTERS

PROJECT EMPHASIS:

Youth who probably would have been detained or who may have a family crisis during the court process and who require intensive diagnosis, the development of a plan of service and some support services during the court process in order to avoid detention.

SUITABLE LOCATION:

Urban and semi-urban counties.

PROGRAM CHARACTERISTICS:

- Not necessarily for detention use only.
- Professional and paraprofessional staff.
- Use of extensive diagnosis and assessment for case planning.
- Advocacy with service providers on behalf of child.
- Design of individualized treatment plans.
- Goal of establishing a community based plan for youth.
- Goal of dismissing petition or gaining adjournment with contemplation of dismissal.

COST FACTORS:

- Program location.
- Professional and paraprofessional salaries.
- Technical consultation for educational and psychological testing.
- Fixed cost with per diem or per capita costs varying with utilization.

Status offender youth who are referred to Day Treatment Centers by the family court are assigned to a professional and paraprofessional day treatment team who provide emergency counseling to them and their family, if needed, develop a complete assessment of problems and broker and advocate for the services needed. Services are arranged to maintain youth in the least restrictive and least detrimental placement alternative (including their own home whenever possible).

A complete educational history and diagnosis evaluation of educational needs include IQ, reading level, math level, learning disabilities, vocational interests and attitude toward school is completed on each youth. This information is made available, in writing, to the team within forty-eight working hours. The educational testing and diagnosis process and the gathering of preliminary information from community schools is conducted by the Center's own staff. Early in the course of contact with the Day Treatment Center, full medical and psychological information on the youth is obtained through the use of consultants. Team social workers interview family members to obtain information on family related problems.

Usually within one week of referral to the center, a full assessment of the youth's problems is made and some crisis counseling is provided. The Day Treatment Center can operate in conjunction with emergency shelter placement in a group or foster home where the youth may be placed for a short period, if necessary, during the court process.

After initial contact with the Center, referrals will be made to the local agencies to meet the youth's and family's needs. Referrals for family counseling, special or alternative education programs, remedial education, vocation training, work study programs, medical treatment and other types of service will be made according to individual youth's needs. Where referrals are made, families will be followed up to insure that appropriate linkages with community agencies have been established and that the services are appropriate and effective in each case. Where access to services is difficult to obtain, the Center's staff will act as advocates to obtain services to the extent of working closely with community structures for advocacy such as the Committee on the Handicapped, the Legal Aid Society and local law clinics. While individual service plans are being developed, the Center staff will continue to provide support services to the youth and family or to arrange for needed temporary service.

FAMILY CRISIS INTERVENTION

PROJECT EMPHASIS:

Status and minor delinquency offenders for whom detention can be avoided through intensive family counseling and, if necessary, temporary and voluntary alternative placement.

SUITABLE LOCATION:

Counties of any size.

PROGRAM CHARACTERISTICS:

- Immediate, intensive handling of case rather than piecemeal adjudication.
- Avoiding compartmentalizing services by creation of special unit handling cases from beginning to end.
- Spending the majority of staff time in critical stages of case – when it is in crisis – rather than weeks or months later.
- Providing special training and on-going consultation to enable staff to develop skills.
- Accomplish diversion by setting up a unit with existing staff available to handle this type of case.

COST FACTORS:

- Staff training, initial and continued.
- Staff salaries.

This program is based upon the Sacramento County Probation Department's "Juvenile Diversion Through Family Counseling" Program.

Ready access to the client group and ready access by client group to counselor is a primary service component. Every effort is made to insure an initial family session is held to discuss the problem as soon as possible after the family or the police contact family court to file a petition. Sessions should be held within the first hour or two after referral to be most effective. The unit maintains a 24 hour, seven-days-a-week telephone crisis service. Counselors use a family therapy model which does not identify the child as the problem. The approach assumes that problems are best dealt with the context of the whole family rather than blaming the youth and dealing with him only through an external agency.

Once a referral to the unit has been made, removal of the youth from his or her home is discouraged because it is antithetical to the assumption that the entire family can best deal with the problems. If underlying emotions are too strong to permit the youth's return home immediately, placement in a non-secure setting, where the youth could stay temporarily, is found. Consent by both the parents and the youth for temporary placement is sought and the youth is returned home as soon as possible.

Extensive intitial training sessions and continuing training and consultation in traditional family counseling and crisis intervention techniques should be provided for the staff. These techniques include

- concepts of family process and family rules
- concepts of the family as an interacting system
- techniques of enlisting the family's own effort to work on problems
- techniques of improving communication among family members
- understanding of one's self and one's own family system as related to counselor interventions

A change in the definition of the traditional approach to intervention is necessary. Expectations of families who come to the family court for help often are that the court will represent an authoritarian solution to the problem. This expectation must be changed to one which encourages the entire family to address the problem and which enlists the family's efforts to solve the problem and facilitates deeper communication among family members.

Contacts with clients will range from six to ten family sessions. During the period of contact, referral and advocacy services are used by counselors to help meet the family's need for health, educational or employment services. The goal of each contact is to find a long range solution to problems outside of the juvenile justice system and to prevent further involvement by utilizing and mobilizing the family's ability to solve the problem.

The service can be established by a unit of government or contracted to a private agency. An example of this type of program is the Sacramento Probation Department's Juvenile Diversion through Family Counseling Program.

FOSTER HOMES

PROJECT EMPHASIS:

To provide care for youth in a home-like stable atmosphere and to meet the needs of youth who require a specialized type of care with emphasis on personal attention.

SUITABLE LOCATION:

Counties of any size.

PROGRAM CHARACTERISTICS:

- No facilities purchase or lease.
- Capacity of from 1 to 6 youth.
- Limited administrative problems.
- Low per diem costs.
- Many potential designs to meet special needs.
- Personal attention to youth.
- Close supervision.

COST FACTORS:

- Lowest cost of any type of residential care.
- Administration and agency support services.
- Training programs for foster parents.

The most common form of non-secure alternatives to secure detention in New York State is the Foster Home. Homes may be certified to care for from one to six youth.

Foster homes have certain programmatic and administrative advantages. They provide a home-like atmosphere and allow young people to become comfortable in a non-threatening, non-authoritarian environment. They also provide the opportunity for close supervision because of the limited number of youth in one home. Therefore a youth who may need a great deal of supervision need not be placed out of the community or in a secure setting, but may rather be placed in a home with a sufficiently low population to meet his needs. From an administrative view, the foster home involves no capital expense, and only minimum operating expense. Foster homes operate from private homes. The parents generally receive a monthly reserved accommodations fee to guarantee their availability, then receive a per diem rate whenever a child is placed in their care.

Various communities in New York State and elsewhere in the nation have successfully recruited foster parents for adolescents to help eliminate the inappropriate placement of truant and runaway youth in secure detention where they come into contact with more serious offenders. (See a following Program Description on Florida's Foster Home recruitment effort).

Foster home programs can be operated using various designs. Programs can employ primarily volunteer foster parents who, as ordinary citizens, open their own homes to troubled youth who need temporary shelter and the reinforcement of a stable home. The Proctor Program design is another variation on the traditional foster parent model. In this type of program, young single adults provide 24-hour a day care in their own home or apartment for an individual seriously troubled youth. The Proctor design gives confused and rebellious young people the personal attention of a resourceful adult and provides the opportunity to youth for cultural and leisure time activities previously unknown to them. (A more complete Program Description of Proctor-type foster homes is included in a following section of this handbook).

Other types of specialized foster homes can be created. Very often individuals with special skills helpful to adolescents are interested in becoming foster parents. Adults with skills in special education, caring for developmentally disabled youth, psychology, social work, nursing and counseling have been employed as specialized foster parents to provide care for youth who have special needs. Also additional staffing can be added to regular or specialized foster homes for temporary periods as the need arises in more difficult cases.

Training programs can also provide inexperienced foster parents with the skills needed to care for troubled youth. These programs provide skills in communication, problem identification, behavior negotiation and contracting, positive behavior reinforcement and numerous other techniques that have been proven effective in working with adolescents.

Whatever types of foster home programs are adopted, one of the crucial elements to successful administration is agency support. Homefinding for alternative homes should not be assigned as a step-child operation to the usual foster-home finding unit, but should be given priority and adequate resources and should be considered a part of a county's overall youth service activities. To a great extent, developing a foster care program is a communications and community organizations problem and must be addressed as such. County youth bureaus, through their on-going youth service activities, can be helpful in initiating this effort.

Supportive services to foster parents are also necessary. Initially, this helps the foster parents to provide better care, and later helps to maintain good foster parents. Minimal support should include crisis intervention training and training in agency procedures. One of the most useful support services is a foster parent organization in which foster parents exchange experiences, support each other through personal contact and by telephone, recruit new foster parents and keep administrators aware of common problems. Admission screening must also be provided by an agency so that the foster parents are not asked to make intake decisions. Adequate provision should be made for relief staff and respite periods when this is appropriate. An overall program goal should be to maximize communications about youth in care as well as about administrative or community problems related to the foster care program.

VOLUNTEER FOSTER HOMES

PROJECT EMPHASIS:

To provide volunteer services as the alternative to placement in detention centers.

SUITABLE LOCATION:

Any location – urban and rural communities.

PROGRAM CHARACTERISTICS:

- No facility implication.
- Residential services for juveniles before the court.
- Volunteers recruited and supervised by local departments of social services.

COST FACTORS:

- Administrative and training costs.
- No cost for care.
- Emergency costs – medical, clothing.

Early in 1973 the Florida Department of Health and Rehabilitative Services was given the total responsibility for funding and operating all of the state's 22 secure juvenile detention centers. At that time, conditions in detention centers were particularly bad, primarily because of overcrowding. There was inadequate staff to work with the youngsters, and it was impossible to properly separate status offenders from children charged with serious crimes. Almost 45 per cent of all children in secure detention centers were status offenders. Concerned officials began a careful examination of the total youth services program in Florida. They were especially committed to the goal of developing alternative services for the hundreds of children charged with status offenses who had to be temporarily removed from their homes. Ultimately, with the strong support of the John Howard Association and Juvenile and Criminal Justice, International, the Youth Services officials initiated in March of 1975 a statewide volunteer home program, which was to give immediate relief to the dangerously overcrowded detention centers.

Conceived originally as an emergency program for one of Florida's largest juvenile facilities, the basic concept of the program was simple: using volunteer homes, refer status offenders who briefly require residential services and who do not pose serious problems when the program became operational with the first 30 volunteer families. In general, the children successfully adapted to their temporary homes, and the volunteers remained enthusiastic supporters of the Tampa Volunteer Relief Program. The results of the Tampa model were so impressive that in March 1975 Florida officials decided to expand the program statewide.

This program provided critically needed services requiring no capital investment and at costs sharply below the expense of conventional detention centers. The year's experience with the crisis home program also gave a reliable frame of reference for developing program policies and operational guidelines. It was learned, for instance, that to be assured of immediate and appropraite placements there should be three volunteer homes for every youngster eligible for the program. Also, for planning purposes the administration of the program should anticipate a 40 per cent turnover rate per year for volunteers. The Tampa model proved the importance of various services needed to back up the volunteer homes. Specific arrangements were necessary for liability insurance to cover the volunteers when they had youngsters placed in their homes. Also, a plan for emergency medical care for the juveniles had to be established. It was important to make sure that the detention hearing was scheduled after the child was placed in the home just as if the youngster were in secure detention. Most important, Youth Services staff must be in contact with the volunteer home at least once a day in order to monitor the situation while the child is placed in the home and to provide the volunteers with needed backup services.

Not surprisingly, the techniques of successful recruiting became an important part of the program. To start with, television and radio announcements informed the public about the problem of status offenders in detention centers, and explained the goals of the volunteer program. News stories about status offenders caught up in the justice system appeared in newspapers and neighborhood shopping guides. Ministers and rabbis were contacted, and asked to identify families that might volunteer to house juveniles charged with status offenses. Lists of volunteers from other agencies were used, and community leaders and organizations were asked to help. It was soon learned that personal contact, honest salesmanship, and the appeal to community pride were most successful in enlisting volunteers.

The Tampa Volunteer Program gave the Youth Services officials confidence that the volunteer approach to providing crisis homes for status offenders was basically sound. There were some reservation, however. The task of securing a sufficient number of quality volunteer families quickly enough was a major hurdle. Then there were doubts about placing a large number of runaways in totally non-secure settings, and apprehensions about theft in volunteer homes. However, an evaluation made during the program's first year shows that the program has an impressive record. The recruitment and training of volunteer families went smoothly. In one month, 282 homes recruited statewide by July 31, 1975, following four months of intensive recruiting and screening.

The statewide endorsement of the volunteer homes program was more energetic than officials had anticipated. During the first quarter, 1,181 children were temporarily provided food, shelter, and supervision, involving 7,506 days of actual program participation. The $36,650 cost of administering the volunteer program for the status offenders was less than one sixth the expense of placing those same children in a conventional detention center. There were few behavior problems during the initial phase of the program's first year.

In 1973, 45 per cent of all the children assigned to Florida's 22 secure detention centers were status offenders. Today, partially because of the widely publicized success of the volunteer home program, recently enacted legislation has removed status offenders from delinquency status in Florida. The volunteer home program has proven incontrovertibly that status offenders do not need to be locked up. The program has also demonstrated that a statewide network of residential services for juveniles can be implemented by drawing extensively on volunteer resources.

The Florida model showed that when a volunteer program is properly managed, ordinary citizens will open their homes to troubled youngsters who temporarily need shelter and the personal reinforcement of a stable home. The volunteer home program has permitted the state to provide critically needed services at a moderate cost and with no long-term commitment to a building program. At the same time, Florida status offenders avoid being labeled "delinquents" Instead of being caught up in the criminal justice system, the troubled juveniles are accepted by concerned families and learn firsthand that there are adults who care about them as individuals. There are 850 volunteer homes distributed throughout the state of Florida.

Further information may be obtained from

Florida Department of Health and
Rehabilitative Services
1323 Winewood Boulevard
Tallahassee, Florida 32301

PROCTOR PROGRAMS

PROJECT EMPHASIS:

To provide individual attention to severely troubled juveniles awaiting court appearance.

SUITABLE LOCATION:

No facility implications. Juveniles reside in conventional apartments and houses of any size in communities.

PROGRAM CHARACTERISTICS:

- Short term stays
- Personal, individualized services.
- Intensive feedback and supervision.
- Well trained staff.
- Could utilize volunteers and part time staff.

COST FACTORS:

- Salaries and expenses for proctors are stable.
- Training and administrative costs.
- No new facilities or offices necessary.

Teenagers coming before the court almost inevitably have had stormy family relationships. More than that, many of the youths have failed to adjust to prior foster home placements or other types of substitute care. It has been reasoned that, during the crisis of arrest and waiting for court appearance, perhaps the more severely troubled youths would respond to an intensive one-to-one program unlike the family setting which most of the young people were rebelling against. Rather than parental hostility or indifference, each youngster would live with a Proctor, whose only assignment is to work with the young client 24 hours a day, seven days a week. Rather than the disappointments and antagonism resulting from sibling competition, the program participant would receive the Proctor's exclusive attention. Rather than living in a detention center, labeled as a "delinquent" and visibly assigned to "a program" the clients of this program remain anonymous and are immersed in routine neighborhood activities.

These ideas became the rationale for the Proctor Program. The objective of the program is quite simple – to give confused and rebellious young people the personal attention of a concerned and resourceful adult. The program is not rigidly formal. It simply becomes the total preoccupation of a Proctor to establish face-to-face contact with a youth whose behavior and circumstances would, in most states, warrant commitment to a secure detention center. The strictures of the face-to-face contact are the only security measures in this program. The client is to be exposed to an orderly, disciplined way of life, and to be shown ways to constructively fill the hours of each day, rather than sleeping until noon and then retreating to the passive world of television and records. Care and planning are to be given to every-day activities such as meals, personal grooming, and household chores. In addition, there is to be an exposure to a variety of cultural recreational and sports activities previously unknown to most of the youngsters. During all the activities every day there is the companionship of the Proctor, who soon becomes someone to look up to, someone to please and to imitate.

By the program's nature, the success of the Proctor Program must depend almost totally on the energies and resourcefulness of the Proctors, themselves. The Proctor constructs a total program to be implemented in a conventional domestic setting. Each Proctor is expected to function as an independent, self-employed subcontractor. The Proctor not only contracts to provide personal services, but is obligated to supply such real items as bedroom space, telephones, transportation, food, and other personal items needed by the youth.

By contract, the Proctor should agree to participate in a sustained in-service training program. The Proctor is to be actively working with clients 32 weeks of the year, seven days a week, 24 hours a day. Each youth stays with the Proctor about four weeks, with a six-week maximum, so that from five to eight young clients are served by each Proctor during a year. This is by no means a complete description of the Proctor's direct services, however. Strong bonds develop between the Proctors and their youngsters. Contacts continue after a young person leaves the program, and it is common for a Proctor to provide informal counseling and referral services long past the four weeks of the resident's program.

A Proctor must be young, between 20 and 30 and have interests and talents that will enhance a youngster's experiences. The Proctor must be in good health, live along, have a car and a valid driver's license, and have an apartment or house with at least two separate bedrooms. Perhaps the most important, all candidates accepted as Proctors have been judged to have such intangible traits as compassion, perseverance, a sense of humor, creativity, and an indefatigable interest in the problems of young people.

Throughout the year Proctors have in-service training and conferences with agency staff to resolve problems which arise. But before the new Proctor even meets his/her first youngster, he/she participates in an intensive training program lasting about three days. Included in the training is an introduction to the Agency and the Proctor Program, an overview of juvenile justice as well as referral service agencies. The Proctors are given a brief exposure to the psychological dynamics of juveniles, with special attention to the type of youths they will work with. There is a short course on drugs and their abuse, and first-aid training. The Proctors are thoroughly briefed about recreational resources available in the area, and are also instructed concerning recordkeeping and day-to-day management techniques essential to make the program work.

The Proctor Program has both immediate and long-term objectives. Of overriding importance, the Proctor sees to it that the child apears in court when scheduled. In addition to this most important objective, the Proctor insures that the detained youth does not inflict self harm or does not harm others. Consistent with these objectives, the Proctor goes to great pains to see that the youth does not come in contact with others who might be harmful influences. On a more constructive note, an immediate objective of the program is to encourage the troubled youngsters to improve their self-esteem, and to think through their problems in a calm and thoughtful way.

The long-term goals of the program include seeking ways to improve relationships between the youths and parents so that the family unit can be strengthened. At the same time, the Proctor tries to enable the young person to attain self-sufficiency and to acquaint the youngster with community resources and services that can be used in a plan for self-improvement and growth.

Though the Proctor Program is intentionally flexible to permit the staff to adapt to the different circumstances of each placement, there are components which become a part of each individual plan. For instance, the bond that typically grows between the Proctor and the child gives a base for valuable counseling, however informal it might be. At least once a week each child has a more formal counseling session with a social worker at the Agency office. Later in the program, each youth is encouraged to work with the Proctor and Agency staff to develop a treatment plan and to arrange for future placement and aftercare. In addition to the counseling component of the program, the youth and Proctor work out a daily schedule of activities and recreation. Depending on the mutual interest of the Proctor and child, the two remain busy with arts and crafts, visiting museums and attending concerts, horseback riding, camping and so forth. These activities are in addition to the day-to-day chores required for an orderly household. Depending on the youths involved, on some occasions two or more Proctors might arrange for joint activities. Care is exercised to insure that the personalities of the youngsters are compatible, and that such association will have no adverse effects. Each activity schedule must be approved by Agency Staff.

Because of the program's brevity, educational activities are informal. In addition to scheduling cultural events and museums, a Proctor might provide academic tutoring if warranged. A thorough evaluation of each child's education status is part of the long-range treatment plan. Also, health and dental aftercare is an important part of each case plan.

The unique one-to-one feature of the program requires a manageable number of clients, whose day-to-day activities can be carefully monitored.

The Proctors should be paid a salary equivalent to that paid a youth counselor, probation officer or caseworker. In the Proctor Program, all the money spent goes directly to client services. There is no expensive physical plant to maintain, no capital expenses to amortize.

The success of the Proctor Program cannot be entirely quantified by numbers. In terms of the program's primary goal of insuring that the participating youths appear at their court hearings, the record is impressive. With over 200 severely troubled youths in a program in New Bedford, Massachusetts, only 17 ran from their proctors. Nine of these runaways were in contact with the Proctor office within 24 hours.

There is a Proctor program in operation in New Bedford, Massachusetts. Further information on the program may be obtained directly from

New Bedford Child and Family Service
141 Page Street
New Bedford, Massachusetts 02740

AGENCY-OPERATED BOARDING HOMES

PROJECT EMPHASIS:

Youth who require some supervision and structure away from their own homes, and who do not need or cannot tolerate substitute parenting.

SUITABLE LOCATION:

Rural or urban setting, particularly useful when a county or other operating agency owns an appropriate building.

PROJECT CHARACTERISTICS:

- Capacity up to six children - coed if desired.
- Operating agency owns or leases the building.
- Houseparents are members of agency staff.
- Combines elements of family and small group living situation.

COST FACTORS:

- Stable costs for salaries and building.
- Operational costs will vary with the number of staff and the amount of utilization.

An Agency-Operated Boarding Home is a special type of foster home. The primary difference is expressed in the title, "Agency-Operated.: In this program, the agency acquires the building, and the foster parents or houseparents are employees of the agency.

Programmatically, the Agency-Operated Boarding Home has many useful resources. The population, which is usually 4 - 6, is limited enough to allow a home-like atmosphere and close supervision as well as a non-restrictive environment. Unlike the regular foster home, the parents have a staff relationship with the agency. This relationship provides the houseparents with opportunities for closer supervision and more in-service training, resulting in a more highly trained, professionally oriented staff. Also, the building and furniture are owned by the agency. This allows a greater latitude in placing children, and in the way the houseparents react to acting-out children, because any damages are not to the parents' personal property. In addition, extra staff can be added for emergency coverage, one-to-one supervision of a particularly needy child, and/or available night-time supervision without "invading" someone's home.

Like the foster home, by hiring staff with specific skills and/or providing them with intensive training in a certain area, the home could present itself as a special resource.

Administratively, an Agency-Operated Boarding Home is considerably different than a foster home. The agency must assume the cost of the building, maintenance, utilities, repairs and damages. The agency also pays salaries to the houseparents. Most costs do not increase under maximum usage, but neither do they decrease with low utilization. Since this is largely a fixed cost program, capacity should be planned carefully. Agency-Operated Boarding Homes are administratively attractive when there is an unused county property that can be utilized at minimal cost, or when a county wishes to contract with a private child-caring agency for less than seven beds.

An Agency-Operated Boarding Home would be the recommended model for a detention program where population characteristics and commitment to using non-secure rather than secure detention would justify regular use of 4-6 beds, in a program that provides more than normal parental supervision. It is ideally suited for children who would be foster care candidates but do not need, or cannot tolerate, supervision in the substitute parent form. An Agency-Operated Boarding Home also provides more supervision and support services through the sponsoring agency, and could therefore, be used as an alternative or "back-up" program for foster home programs on a local or regional basis.

RUNAWAY HOMES

PROJECT EMPHASIS:

Runaway youth who can be assisted to resolve problems without the necessity of arrest, detention and court appearance.

SUITABLE LOCATION:

Counties or cities of any size. Structure of program is related to type of location - urban, suburban or rural.

PROGRAM CHARACTERISTICS:

- Short term residential component.
- use of trained volunteers.
- Maximizes youth's responsibility for problem solving.
- Focus on assisting youth to resolve crisis cooperatively with adult assistance.
- Positive and cooperative relations with police, government and private service agencies.
- Youth advocacy and conflict mediation.
- Youth outreach.

COST FACTORS:

- Temporary residential component, either foster homes or group homes.
- Limited professional staff salaries because of reliance on volunteers.
- Ongoing volunteer training.

Runaway programs have a philosophy of assisting youth by involving them actively in the solution of their own problems. These programs are designed for youth who are avoiding family problems and disagreements by leaving and staying away from their home. Some youth served by runaway programs have even been thrown out of home by an angry parent. Various program models for assisting these youth in urban, suburban and rural settings have been developed.

Urban runaway programs usually include a group home component which provides shelter and food, twenty-four hours a day, seven days a week to runaway youth. These programs maintain a close liaison with the local police and the family courts and often receive referrals from these agencies. Once a youth contacts a runaway program, parental permission is obtained to allow the youth to remain long enough to work out immediate problems.

Youth are asked to participate voluntarily in finding a solution to their current problems. They are often asked to sign a contract through which they agree to provide the program's counselors with information concerning their problems and to participate in the program's activities such as counseling and household chores. In return youth receive assistance from the program's staff in resolving their problems.

Runaway programs often become involved involved in providing short term family counseling and making referrals to other community agencies for long term services such as continued family counseling and long term residential care if this seems necessary. Successful urban runaway programs maintain a close liaison with other community agencies serving youth such as youth centers, outreach programs, Travelers Aid, family service agencies and local social service departments. These agencies make referrals to the program and the runaway programs, in turn, depend upon referrals to these agencies for follow-up services.

Runaway programs have also been established in suburban and rural communities. Suburban programs have made use of town owned residences for the temporary shelter of youth in conflict with their family. These programs operate on a similar model to the urban programs by obtaining parental permission for youth to remain for short periods and encouraging active youth involvement in solving their problems. The program also maintains a close liaison with police agencies. Some suburban programs rely on youth outreach workers and school counselors to gain the trust and confidence of youth would ordinarily be reluctant to seeking help to solve their problems.

Runaway programs have also been set up in rural areas and suburban areas by operating out of a youth center and utilizing a network of volunteer foster homes for short term residential shelters. These volunteer foster families agree to accept runaways in homes for a few days to a few months depending upon the child and the nature of his problem. The programs employ professional and paraprofessional youth workers, either full-time or part-time, through a coordinating agency to provide counseling and other support services for youth in short-term residential care. Programs like these are used to address a range of community problems by focusing the limited resources of these areas upon target groups of youth especially in need of services. Rural communities have found runaway programs to be successful in addressing the problems of youth who face increased drug accessibility and use, the need for psychological counseling and a lack of recreational and entertainment activities.

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the juvenile services center concept

The provision of comprehensive intake services to juveniles is a multifaceted procedure involving screening, crisis and family counseling, diversion to non-justice youth services, and the expedient search for appropriate placement alternatives if the youth cannot be returned to his own home pending court appearance. This latter function is perhaps the most crucial in that it is incumbent upon a properly functioning juvenile services operation to refer a juvenile to a beneficial setting as quickly as possible. This will ensure the provision of necessary services and care, thus minimizing emotional and psychological harm which often occurs during those first critical hours after police contact.

A juvenile services center, then, is a transitional point along the path from police contact to court appearance if required. It is necessarily a place of rapid decision-making and must be programmatically and environmentally structured to facilitate this task. Simultaneously, it must present an atmosphere of calm and obvious care to the young people who will be handled there. They must be able to realize that their well-being is the object of concern, that steps are being taken in their behalf, not against them. Most importantly, it will serve to limit the penetration of young people into the juvenile justice system and promote the use of least restrictive settings when a youth cannot return to his own home.

Despite this expressed nature of juvenile intake services, i.e., one of rapid developments and beneficial interaction with young people, it is not always possible to determine a proper course of action immediately. The hazards of inappropriate placement and service provision are multiplied when snap decision-making, based on incomplete information occurs. Neither is it always possible to obtain an adequate placement once that determination has been made. A return to home may be inadvisable or take lengthy time for various reasons even if it is desirable. Secure and non-secure placement options may be temporarily unavailable or in some cases difficult to obtain.

Consequently, in the interest of avoiding the use of jails while appropriate residential placements are being considered and sought, it may be advisable in some jurisdictions to consider the development of some residential capacity of very short duration as an integral component of juvenile intake operations. This would be especially important in rural or semi-rural areas where a well-developed system of placement alternatives is non-existent and where adult jails are readily available and commonly used. Since intake normally take place in such areas as the jail (or police station if separate), the potential for a small-scale juvenile intake facility with some residential capacity, implemented in a totally separate and more normative structure, looms as an attractive alternative for providing enhanced intake services and for eliminating secure jail placements.

A comprehensive intake service procedure, in and of itself, is capable of greatly reducing the number of placements made outside the home when coupled with appropriate court services. An intake service facility, which provides screening and crisis intervention, combined with a limited short-term holding capability, would reduce the number of improper though temporary placements made due to the unavailability of space in appropriate settings or where parents cannot be contacted. In addition, the number of improper secure placements should be decreased dramatically if not eliminated entirely.

One of the issues concerning a prototypical investigation of this sort of facility has been the concentration of effort at the national level toward the development of non-residential programs. This is not only a necessary effort but clearly the intention of the JJDP Act. It has, however, become apparent that a serious gap exists regarding measures which can be taken during that period between a juvenile's first contact and his preliminary disposition to an appropriate setting, especially in the many instances where adequate placements may be unavailable.

This text supports the contention that intake services concentrating on personal interaction between staff and youth should be made readily available in every community, that intake services for juveniles should be physically divorced from any jail or adult holding facility, and that a short-term holding capacity may be included as part of a juvenile (intake) services operation without debilitating effects for juveniles referred there or on services provided. Advanced operational principles clearly indicate the benefits of interpersonal interaction at intake as a method for eliminating trauma and avoiding the confusion and deleterious effects associated with impersonal handling. Under present circumstances, where construction funds are extremely limited and where jailing is still permissible albeit under the stricture of "sight and sound" separation, a juvenile services center may be a realistic and wholly acceptable compromise, a persuasive strategy for relieving the pandemic jailing of young people.

It is obvious that if a young person must, for many possible reasons, remain at intake for a briefly extended period while appropriate dispositions or transfer are sought, a bedroom, sitting area and sanitary facilities would be far more desirable than a metal slab bench in a lifeless waiting room. So even now, a juvenile service center with environmentally sound living conditions may be considered an appropriate systematic response to pressing need for up to 24 hours for juvenile referrals.

With this in mind, a critical juncture is reached. Intake services are always needed, and some sleeping capacity can be justified at intake in select instances which will be enumerated later. Based on the assumption that a well-defined criteria can be established to delineate precise circumstances under which a youth may be held overnight, and assuming that such criteria will be rigorously followed, it is reasonable to suggest that living/sleeping accommodations attached to intake may be utilized in particular cases for up to 72 hours. There is nothing magical about the 72-hour figure. It merely represents what is considered the maximum length of time which should be necessary to locate other more appropriate placement alternatives and effect a transfer, especially in secure custody situations. Juveniles held in this fashion would be involved in crisis counseling and interaction with court staff, parents and other agencies. Complete residential services, such as educational and recreational activities, would not be mandatory. The object is to: 1) eliminate the needless placement of young people in settings not specifically geared to their needs, and 2) to minimize unnecessary shuffling of juveniles between various points by providing comprehensive services at one place. Intake service workers could thus perform their jobs more effectively.

In order for this type of operation to be developed so that all referrals, regardless of offense classification, could be handled at this single intake point, it would be necessary that the facility not be classified as "secure." Neither should it be categorized as a "residential facility." The intent here is not to obfuscate with semantic games-playing. Rather, it is to clearly and unmistakably delineate the true function of intake services. With this suggested system it is true a youth may be held securely. It is also true that he or she may remain there under court supervision for up to three days, when secure custody is necessary. But either of these may occur only if no other suitable alternative is immediately available. Such capability is intended only to augment a comprehensive system of intake services. It is meant to heighten the capability of court personnel to provide the most effective personal and family sources possible. And finally, it is firmly associated with an unwavering commitment to not place children in unsavory, hopelessly deficient jails.

In many jurisdictions, the majority of juveniles who have contact with local law enforcement agencies are not placed in jails because of totally disgraceful environmental conditions. This is a commendable attitude which recognizes the potential for emotional and physical damage possible through such placement. On the other side of the coin, it is nearly impossible in many of these same jurisdictions to provide continuing and necessary services to juveniles who have been summarily released. And then some juveniles still inevitably find themselves locked in abysmal holding pens, drunk tanks and barren cells because there exists an overwhelming need, in the court's view, for them to be detained, and nothing short of the jail will do. This sorry condition can be alleviated through utilizing a semi-residential Juvenile Services Center which can be community-based, conveniently located and properly staffed to provide youth oriented services.

One of the more feasible methods for approaching juvenile services center development would be its inclusion within the framework of a non-secure residential facility such as a shelter care home. Not only would non-secure services be immediately available, thus minimizing lengthy stays at intake, it could also reduce the supervisory and residential function at intake. There would be a reduced need, and probably an increased reluctance, to utilize bedspaces available in intake areas. Equally important is the obvious expression of a small-scale normative environment with community linkages and interpersonal interaction typically associated with shelter care which can be carried over into intake services. This type of scheme offers an attractive option regarding the implementation of comprehensive juvenile services.

In summary, a juvenile services center is not a be all and end all. It cannot operate in a vacuum. It must be coordinated with other essential programs and services, and should be construed as one potentially valuable step among many along the way to a properly functioning juvenile court system. The juvenile services center should be viewed as essentially providing around-the-clock intake and crisis counseling services pending release to parents or other appropriate placement. Depending on the individual needs of a community, the juvenile services center may include a residential component. Where residential services are necessary, the level of security should emphasize staff supervision, procedures designed to stabilize the crisis situation, and open communications between staff and residents. Some failsafes, described in the following text, should prevent untoward use of residential space and emphasize the critical importance of staff interaction with young people and the necessity for using quantifiable criteria in the placement determination process. At the same time, it must be realized that most juvenile court systems cannot be personified as intrinsic blackguards who would jump at any opportunity to hold their kids, inappropriately or not. Most are simply frustrated, hamstrung by the financial and procedural difficulties which must be overcome when systemmatic change is undertaken. A juvenile services center is a palatable and imminently realizable first stage of change when considered in conjunction with other economically feasible and appropriate services.

OPERATING CRITERIA--JUVENILE SERVICES CENTER

Where juvenile court intervention is necessary in the case of any young person, all court proceedings and activities should be initiated at some formal point of intake where comprehensive screening, counseling, case evaluation, and determination of the youth's needs and other necessary services can be accomplished. This single point of entry into the system, if it is to accommodate referrals of all classifications, must have established operational guidelines concerning the handling of each category of alleged offender. This will ensure the application of appropriate services and facilitate effective placement decision-making. It will be especially important where overnight residential services are available at intake. Every precaution must be taken to eliminate unnecessary holding in the semi-residential context which may be attached to intake. Alternatives placements or release must be sought in each case with holding occurring on a definitively time-limited basis.

Reception (0-4 Hours)

All referrals will at intake be brought to a reception area at which time crisis intervention and case investigation will begin. Medical services should be rendered at this time if necessary. Upon and during the completion of this initial phase, juveniles will be situated in a youth waiting area (similar to a residential-type living room) which can be supervised from the reception desk. With adequate and continuous supervision, no additional security precautions need be taken except in cases where a juvenile demonstrates violent behavior or may present a threat to the safety of other youths being processed. In these instances, a separate waiting area may be utilized as a safety precaution. Where overtly disruptive behavior is evident or anticipated, a youth may be required to wait in a separate counseling or interview room. Only in cases where the youth exhibits pronounced tendencies toward violent behavior and has been referred for an alleged serious offense may one of the single occupancy bedrooms be utilized for waiting purposes. It must be remembered that, during this initial screening phase, intensive crisis intervention and personal/family counseling services are to be rendered while a determination is made concerning the juvenile's status. Only in very unusual circumstances will it be necessary to use bedrooms. A waiting room with a comfortable environmental character coupled with staff supervision and interaction should suffice in most instances.

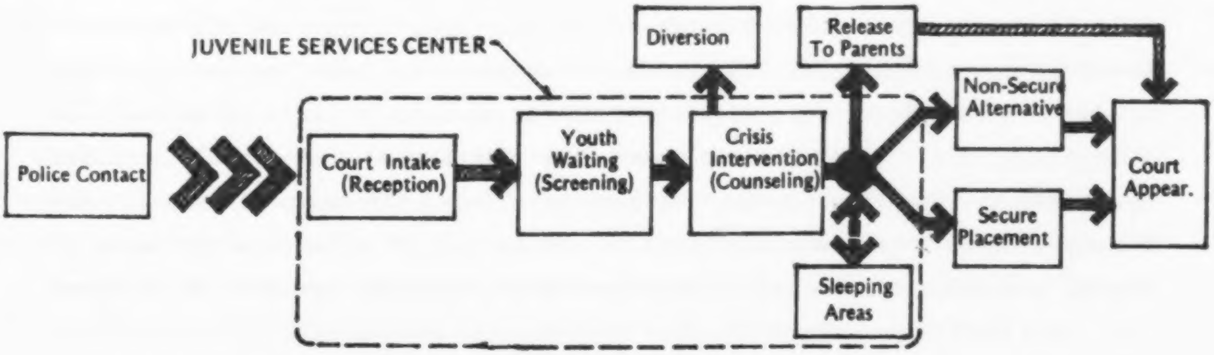

JUVENILE SERVICES CENTER
Diversion
Release To Parents
Non-Secur
Alternativ
Police Contact
Court Intake (Reception)
Youth Waiting (Screening)
Crisis Intervention (Counseling)
Court Appear.
Secure Placement
Sleeping Areas

FIGURE 1

The intensive screening/services phase (0-4 hours) should involve several operations, including family and legal contacts, counseling and accumulation of as much information as possible concerning the youth, personal history and the events which led to his referral. A determination of the need for continuing services, both residential and non-residential, and for further court appearance should be completed. If continued court involvement is warranted, a placement decision (release to home or family, non-secure alternatives or secure custody) must be made. The appropriate persons or agencies must then be contacted to establish placement arrangements. The youth should, whenever possible, be released or remanded to other appropriate settings within this four-hour period. If final arrangements are nearing completion, the juvenile may remain in the youth waiting area for a short time beyond four hours.

CONDITIONS FOR STAY AT INTAKE (Beyond 4 Hours)

Only in rare circumstances is it anticipated that alleged status offenders will need to remain at intake beyond the initial four-hour screening process. By that time, a return to home or placement in other available non-secure alternatives should be completed. It is possible, however, that a late night first contact or when parents or other family cannot be reached may result in the need for a lengthier waiting period. Under such conditions a bedroom space may be made available for sleeping or privacy if desired. Bedrooms should not be locked and should be arranged so as to provide for continuing supervision from the reception area.

Criminal-Type Offense Referrals:

This category of alleged offender will be subject to the same intake procedures and services as status offenders. From 0-4 hours intensive screening, counseling, information development, and family/placement contacts should be accomplished. Appropriate transfer or release should then be completed. The juvenile during this time should remain in the youth waiting area while services are rendered unless disruptive behavior occurs. Temporary containment in a separate counseling/interview room will normally be a sufficient deterrent to such behaviors as might interfere with other continuing activities. Any bedrooms which are available at intake should not be used for holding purposes until the initial screening process is completed unless a threat to others at intake is presented.

Even after the completion of preliminary screening and investigation, bedrooms must not be used for holding unless a decision to file a petition has been made, i.e., the youth will be remanded to custody in a secure residential facility. Bedrooms may then be used for holding in a secure fashion, and then only when immediate transfer cannot be effected. It is recommended that NAC release criteria serve as the basis for reaching this decision (see Appendix).

Where transfer to a non-secure facility or release to parents or other appropriate alternatives is desired, the youth waiting area should continue to be utilized unless transfer or release cannot be immediately accomplished and the stay at intake will be somewhat prolonged. If bedrooms are used for sleeping or to provide some level of privacy, they should remain unlocked, regardless of the juvenile's alleged offense, unless secure custody will be sought.

It is imperative that advanced intake/release criteria be utilized as part of standard operational policy in order to minimize the necessity for secure placements and the corresponding use of secure bedrooms at intake when transfers will take some time. In most cases, juveniles accused of criminal-type, but less serious offenses (misdemeanors), will not require secure placement and thus should not be held securely at intake. Even serious offenders, if they present no obvious threat to the safety of others or themselves, should not be summarily placed in secure holding rooms. This will only dilute the beneficial effects attainable through the provision of intensive intake services.

Sleeping/Living Accommodations at Intake (Beyond 4 hours):

According to previously described criteria, bedrooms may be used at intake under varying but precise circumstances by juvenile referrals of every category. For this reason it is necessary to describe continuing services which must be provided in each case on a time-limited basis.

Status offenders, as already mentioned, will only be provided a bedroom at intake if sleeping or privacy is desired, and then only on a voluntary basis. Such juveniles should be allowed to remain at intake for no more than 12 hours. Any failure to release or transfer young people of this classification within this specified time period is a definite indication of the lack of appropriate alternatives and/or adequate intake procedures, in which case the purpose of intake services has been utterly defeated, ignored or circumvented. An intake services component is not intended to supplant the provision of appropriate alternative services. Since this time at intake is relatively short, the provision of a living space separate from the youth waiting area is not essential. The youth, who will not be locked in his room, will have access to staff and "stretching" space already available as part of the initial intake process. A meal may be served in the bedroom or youth waiting area. If intake is attached to a shelter-type operation, juveniles processed for less serious criminal-type offenses, and who will not be placed in secure custody, should be handled in much the same way as status offenders with placement alternatives and release criteria being similar. They should receive identical intake services. In consequence, it is recommended that their stay at intake also be limited to 12 hours.

It is anticipated that a more extended use of bedrooms at intake, and the only time such use will constitute an actual secure holding function, will occur in instances where a secure placement determination has been made. This will involve the holding of juveniles accused of more serious offenses and when a need for secure custody has been demonstrated. It will be an especially important capability in areas where secure residential bedspaces are not readily available except in an adult jail or lockup, e.g., where detention placement facilities are located at some distance and/or spaces are not guaranteed and some waiting period may be involved. In such cases, a holding capacity of up to 72 hours will be permitted while placement arrangements are completed. Counseling, client/staff interaction and case investigation will continue during this period. Many times, difficulties will be ironed out so that alternative residential arrangements can be made. The holding capability clearly is intended to provide a breathing space so that adequate services can be provided and as a precaution against unnecessary secure placement.

The 72-hour waiting period will necessitate the provision of some residential services not normally associated with intake. Some small-scale activities for the juvenile should be available, including individual crafts and games, reading materials and perhaps television viewing. Supervised recreation or exercise is also worthwhile. In view of these requirements, a small living area, or dayroom should be developed as part of or adjacent to bedroom areas. During times when no juveniles requiring secure custody are present, this space may also be used by other referrals at intake after the initial processing period. The spatial arrangement should facilitate ease in supervision and access by staff. Again, security through supervision rather than by overt architectural constraint is most desirable. A shower which may be used by other juveniles at intake should also be available.

Design Considerations

Size:

In order to avoid great construction cost, promote the development of community-based and appropriate scaled structures, and limit the use of available space for even temporary residential purposes, it is recommended that the maximum number of sleeping spaces be restricted to four, with potentially two additional multipurpose rooms which may be used for sleeping by referrals who remain at intake for up to 12 hours. The development of additional bedspaces, since such spaces are used when available, would cause the facility to assume too strongly the character of a residential setting. If more bedspaces are seen to be needed, the obvious implication is that more alternative placement bedspaces, both secure and non-secure, are required. Under no circumstances should this need be fulfilled at intake.

Spatial Relationships:

Bedspaces must be arranged to accommodate constantly changing intake needs. These would include situations where no sleeping spaces are needed, where a mixture of secure and non-secure bedspaces must be accomplished and where exclusively secure *or* non-secure sleeping arrangements are required. The spatial design must compliment this sort of varying population composition as well as simplify screening/supervision responsibilities. Spaces may be multiple use in nature by supporting various types of activities (sleeping, interviewing, waiting), thus avoiding the necessity for constructing separate areas. All areas should be of a comfortable character reflecting the environmental ideals envisioned for normative, homelike and least-restrictive settings. The diagram on the following page illustrates many of the desired spatial relationships.

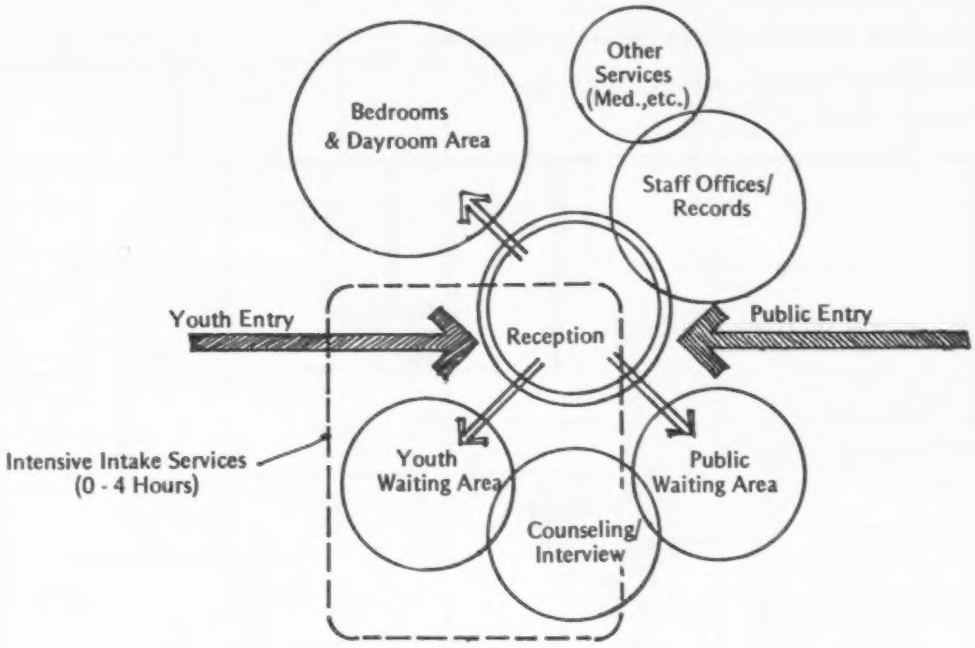

Other Services (Med.,etc.)
Bedrooms & Dayroom Area
Staff Offices/ Records
Youth Entry
Reception
Public Entry
Intensive Intake Services (0 - 4 Hours)
Youth Waiting Area
Public Waiting Area
Counseling/ Interview

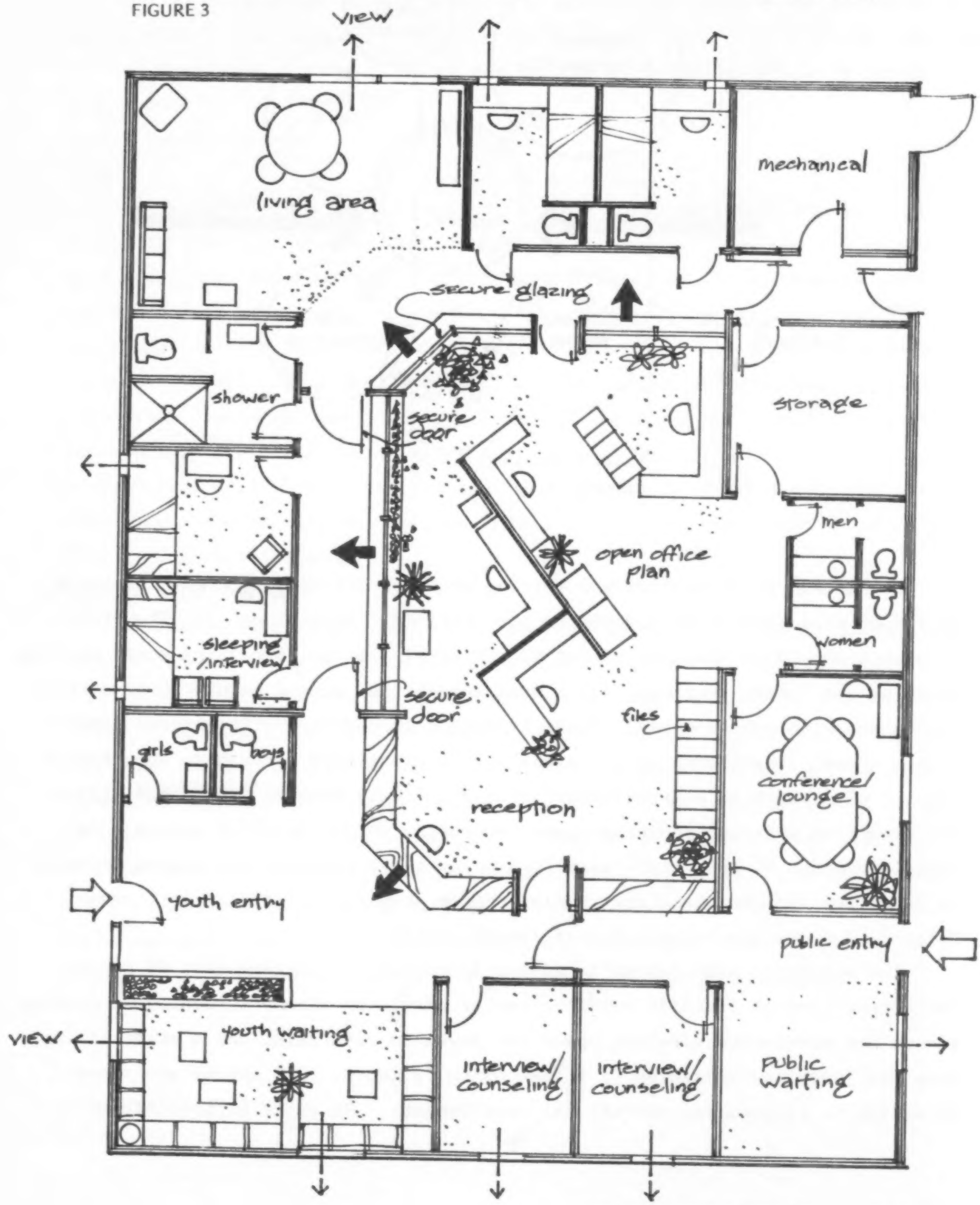
FIGURE 2

Public and youth entries and waiting areas should be separated. A single reception area serving both would be most efficient operationally. The reception area should be visually linked to all service areas, including youth waiting, sleeping and interview rooms, any living spaces, and access points between these spaces and with public areas. Where reception is combined with general staff office space, supervision of all areas may be simplified through an open office type of plan where intake personnel circulate freely between desk areas, files and reception while maintaining visual contact with all facility spaces. An added advantage is that staff members are never far removed from spaces occupied by juveniles and can circulate freely between juvenile and office work areas. This would encourage increased staff/youth contact.

The schematic plan (shown in figure 3) depicts the arrangement of spaces for a prototypical juvenile services center providing intake screening/counseling, secure and non-secure sleeping space for juvenile referrals, and a small living area for juveniles remaining at intake up to 72 hours. All spaces are sized according to program and operational requirements. It would be possible to

JUVENILE SERVICES CENTER - Schematic Arrangement (72 Hour Model)

FIGURE 3


VIEW
living area
mechanical
secure glazing
shower
secure door
storage
men
open office plan
sleeping/interview
women
secure door
files
girls
boys
conference/lounge
reception
youth entry
public entry
youth waiting
VIEW
interview/counseling
interview/counseling
Public waiting

TOTAL SQUARE FEET 3120
COST= $60/SQ. FT. x 60
$187,000

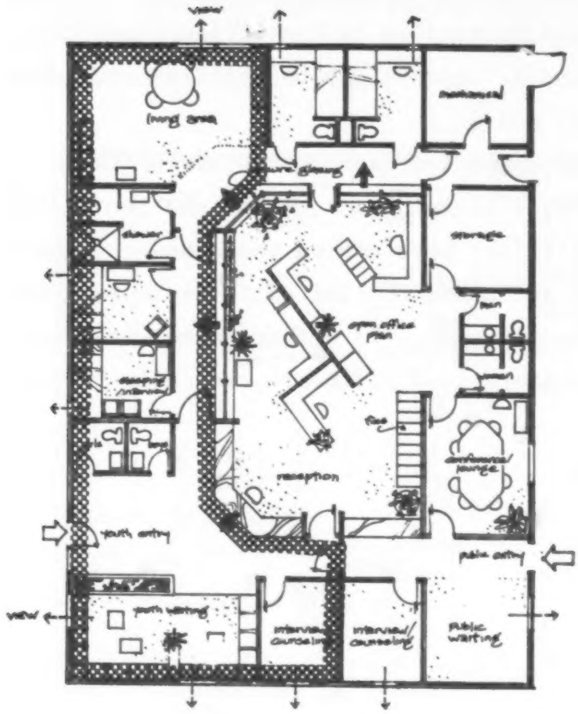

view
living area
mechanical
shower
storage
open office plan
men
women
sleeping/interview
file
conference/lounge
reception
youth entry
public entry
youth waiting
interview/counseling
interview/counseling
public waiting
view

FIGURE 4 - Space available for use by all referrals at intake (living and waiting areas, sleeping and interview rooms) when no rooms are being utilized for secure custody purposes.

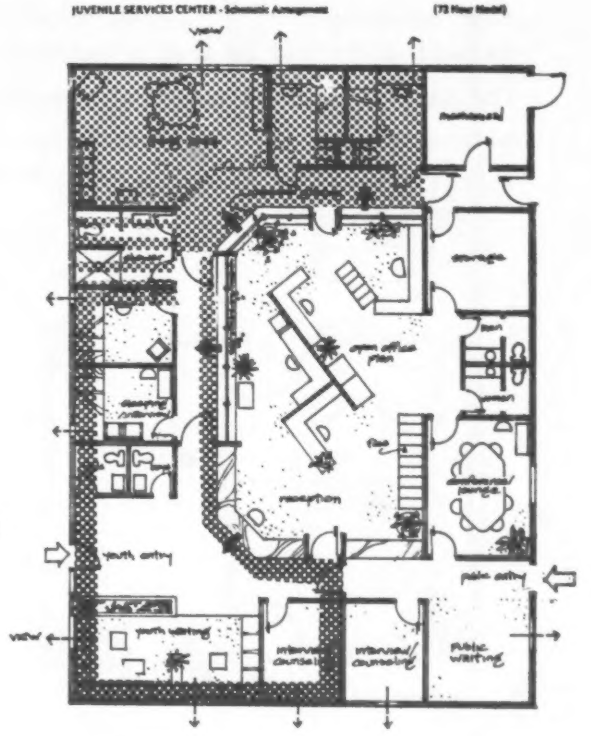

JUVENILE SERVICES CENTER - Schematic Arrangement
(72 Hour Model)
view
mechanical
storage
open office plan
men
women
file
conference/lounge
reception
youth entry
public entry
youth waiting
interview/counseling
interview/counseling
public waiting
view

FIGURE 5 - Space utilization when a few secure bedspaces are needed. Remaining areas and rooms used for intake, non-secure waiting and sleeping purposes.

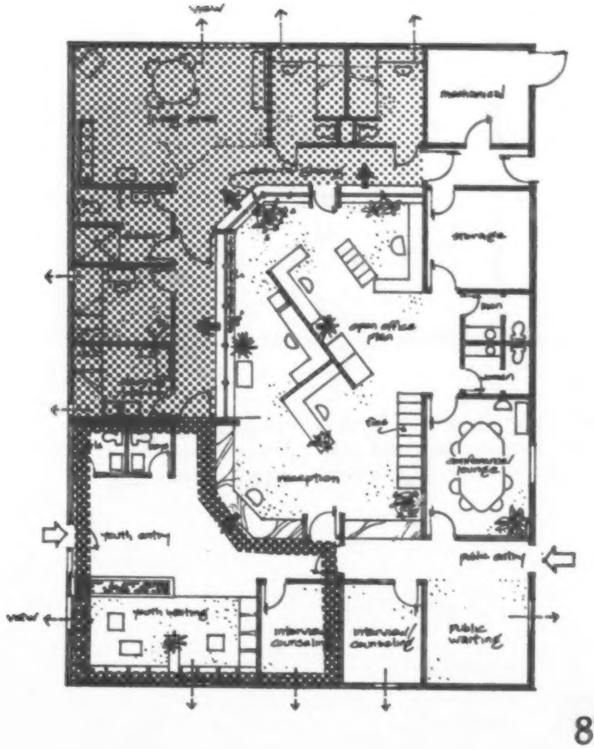

view
mechanical
storage
open office plan
men
women
file
conference/lounge
reception
youth entry
public entry
youth waiting
interview/counseling
interview/counseling
public waiting
view

FIGURE 6 - Space utilization during periods of increased secure bedspace need. Bedrooms on left are made secure by closing corridor door. Interview/counseling rooms may be used for non-secure sleeping.

▨ SECURE AREAS

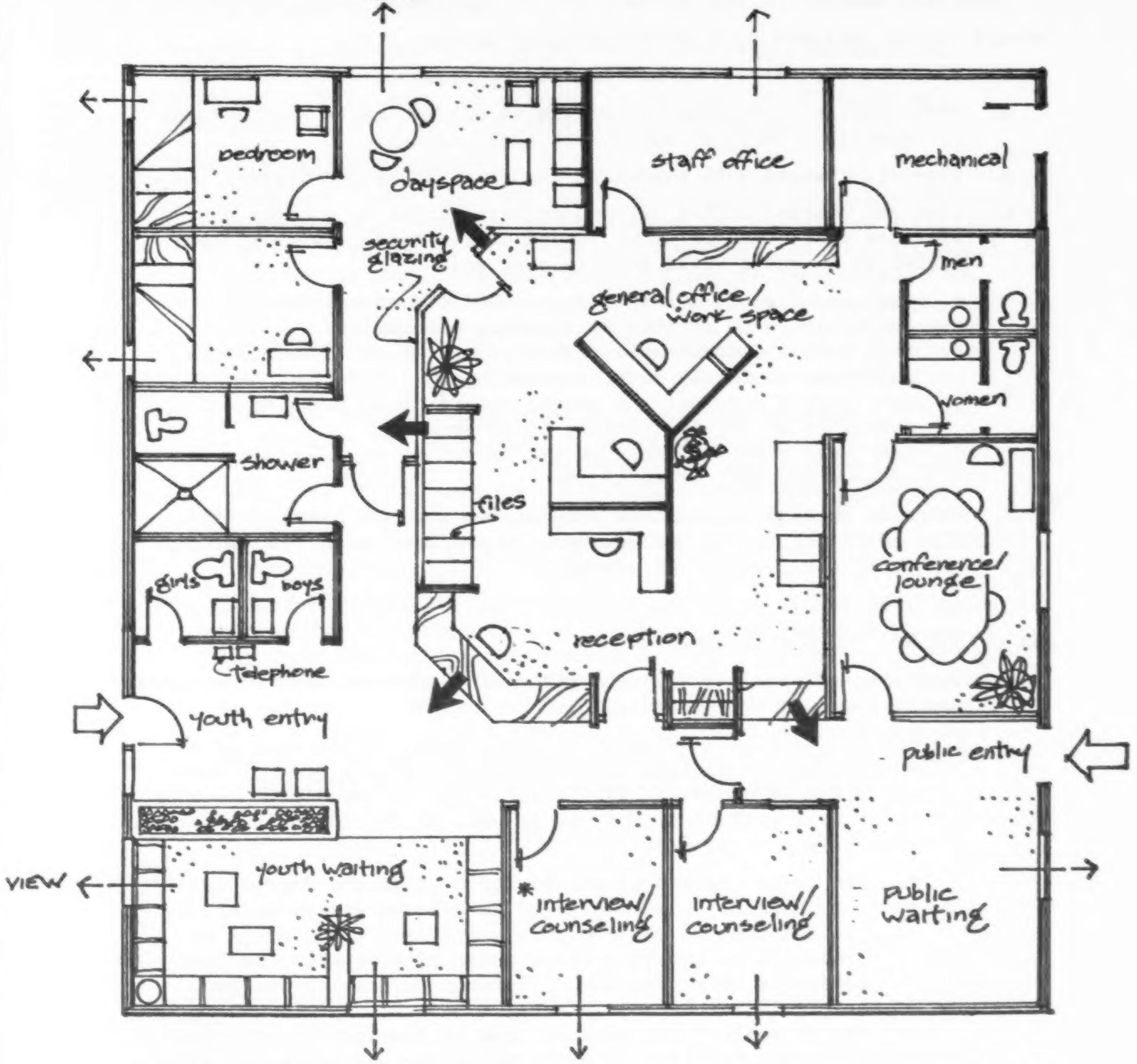
▢ NON – SECURE AND INTAKE AREAS

add a medical component, though any bedroom may be used for this purpose. More serious injuries or health problems should be handled by conventional medical service providers (hospitals, clinics, etc.). Spaces may be utilized according to the diagrams featured in figures 4, 5, and 6.

This plan demonstrates the maximum recommended capacity requirements. Smaller facilities may be planned with fewer sleeping spaces and smaller living areas. If alternative placement capability for both secure and non-secure care is well developed so that a maximum stay at intake is limited to 24 hours, then the facility may be arranged according to figure 7. In either event, it should be possible to develop juvenile services operations which are responsive to the specific needs of each community.

JUVENILES SERVICES CENTER - Schematic Arrangement **(24 Hour Model)**

FIGURE 7[119]


VIEW
bedroom
dayspace
staff office
mechanical
security glazing
general office/ work space
men
women
shower
files
girls
boys
telephone
conference/ lounge
reception
youth entry
public entry
youth waiting
VIEW
* interview/ counseling
interview/ counseling
Public waiting

* interview/counseling rooms may be equipped with daybed/couches to accommodate overnight sleeping.

TOTAL SQUARE FEET 2400
@ $60/sq.FT. x60
TOTAL CONSTRUCTION COST $144,000

NAC CRITERIA FOR DETENTION IN SECURE FACILITIES--DELINQUENCY

Juveniles subject to the jurisdiction of the family court over delinquency should not be detained in a secure facility unless:

1. they are fugitives from another jurisdiction;
2. they request protection in writing in circumstances that present an immediate threat of serious physical injury;
3. they are charged with murder in the first or second degree;
4. they are charged with a serious property crime or a crime of violence other than first or second degree murder which if committed by an adult would be a felony, and:
    a. they are already detained or on conditioned release in connection with another delinquency proceeding;
    b. they have a demonstrable recent record of willful failures to appear at family court proceedings;
    c. they have a demonstrable recent record of violent conduct resulting in physical injury to others; or
    d. they have a demonstrable recent record of adjudications for serious property offenses; and
5. there is no less restrictive alternative that will reduce the risk of flight, or of serious harm to property or to the physical safety of the juvenile or others.

ABA GUIDELINES FOR STATUS DECISION

A. Mandatory release. The intake official should release the accused juvenile unless the juvenile:

1. is charged with a crime of violence which in the case of an adult would be punishable by a sentence of one year or more, and which if proven is likely to result in commitment to a security institution, and one or more of the following additional factors is present:
    a. the crime charged is one of first or second degree murder;
    b. the juvenile is currently in an interim status under the jurisdiction of the court in a criminal case, or is on probation or parole under a prior adjudication, so that detention by revocation of interim release, probation, or parole may be appropriate;
    c. the juvenile is an escapee from an institution or other placement facility to which he or she was sentenced under a previous adjudication of criminal conduct;
    d. the juvenile has a demonstrable recent record of willful failure to appear at juvenile proceedings, on the basis of which the official finds that no measure short of detention can be imposed to reasonably ensure appearance; or

2. has been verified to be a fugitive from another jurisdiction, an official of which has formally requested that the juvenile be placed in detention.

B. Mandatory detention. A juvenile who is excluded from mandatory release under subsection A is not, pro tanto, to be automatically detained. No category of alleged conduct in and of itself may justify a failure to exercise discretion to release.

C. Discretionary situations.

1. Release v. detention. In every situation in which the release of an arrested juvenile is not mandatory, the intake official should first consider and determine whether the juvenile qualifies for an available diversion program, or whether any form of control short of detention is available to reasonably reduce the risk of flight or misconduct. If no such measure will suffice, the official should explicitly state in writing the reasons for rejecting each of these forms of release.

2. Unconditional v. conditional or supervised release. In order to minimize the imposition of release conditions on persons who would appear in court without them, and present no substantial risk in the interim, each jurisdiction should develop guidelines for the use of various forms of release based upon the resources and programs available, and analysis of the effectiveness of each form of release.

3. Secure v. nonsecure detention. Whenever an intake official determines that detention is the appropriate interim status, secure detention may be selected only if clear and convincing evidence indicates the probability of serious physical injury to others, or serious probability of flight to avoid appearance in court. Absent such evidence, the accused should be placed in an appropriate form of nonsecure detention, with a foster home to be preferred over other alternatives.

best copy available

How citizens can help

In this country it is often said that "children are our most precious resource." Yet parents, judges and legislators continue to seek simplistic solutions to the extraordinarily complicated problems associated with the juvenile justice system. The Children's Defense Fund notes that "For too long policy-makers have paid attention only to special interest lobby groups and no attention to the needs of children who don't vote...advocates for children have been viewed as soft, unorganized, uncoordinated, and not much to worry about. This has resulted in children's needs being last on everybody's totem pole."

But the indiscriminate jailing of children can be stopped. Concerned citizens, acting independently and through organized groups, can become a powerful force in promoting public interest and support for the removal of children from adult jails and lockups. The target for their efforts must include not only jails and jailers, but the system which involves all who use jails or who, by inaction, permit this abuse to continue. Citizen groups can press for more effective, humane, less costly alternatives to secure detention, and not submit to those who wish to place children in adult jails.

Chief Justice Warren Burger, speaking before the National Conference on Corrections, stated:

> ...it is my deep conviction that when society places a person behind walls, we assume a collective moral responsibility to try to change and help that person. The law will define legal duties but I confess I have more faith in what a moral commitment of the American people can accomplish than I have in what can be done by the compulsion of judicial decrees.

An informed and active citizenry can:

(1) MONITOR THE ADMISSIONS PRACTICES AND LIVING CONDITIONS IN THE JAILS AND LOCKUPS IN THEIR OWN COMMUNITY AND REPORT THIS INFORMATION TO CITIZEN GROUPS, THE PUBLIC, THE MEDIA, PROFESSIONAL GROUPS, CITY, COUNTY, AND STATE OFFICIALS, AND OTHER INTERESTED PERSONS.

This includes touring the facility and asking the following questions:

- What is their physical layout: the cleanliness, the plumbing, the heating, the ventilation, and the lighting?
- What provisions are made for emergency admissions, regular medical services, and mental health services?
- What, if any, arrangements are made for keeping inmates occupied?
- Is there provision for regular out-of-door exercise, education, or other recreation?
- How long are children held in the local jails?
- Is supervision available 24 hours per day?
- Are the jails used to hold mentally ill, mentally retarded or emotionally disturbed children?
- Are the jails used to "shelter" neglected or abused children in the absence of appropriate foster care facilities?
- Are the jails used to hold children charged with status offenses, including truancy, disobedience to parents, violations or curfew?
- Does the state plan required by the 1974 Juvenile Justice Act as a condition to receiving federal grants provide for the establishment of alternative facilities, and how have they been implemented?

In Inspecting Children's Institutions, the National Coalition for Children's Justice describes methods of conducting an inspection of children's institutions, many of which are valuable in the inspection of adult jails and lockups.

An outstanding example of how citizens can assist significantly in reducing the number of children in jails is the Alston Wilkes Society's Jail Services Committees program, established in many areas of South Carolina. Working in conjunction with the South Carolina Youth Bureau, volunteers check the local jails twice daily to see if status offenders are being held. When status offenders are discovered, the volunteers phone the Youth Bureau. Youth workers then try to arrange emergency housing with local families, reunite juveniles with their own families, and refer the youths for day or residential counseling programs. A survey of the effects of this program in Spartansburg, South Carolina shows that, "The number of youths held in jail has been reduced 32 percent and the time they spend behind bars reduced 72 percent." There is no cost for the volunteer project.

Partly in response to the problem of children in adult jails, the Children's Defense Fund, a Washington, D.C. based child advocacy group is developing a "Children's Public Policy Network," at the national, state and local levels.

The network will work with local child advocates in educating the public about children's needs and in making those needs know to policy makers. The network provides:

- a toll-free number for child advocates who need current and accurate information on national policy developments affecting children (800-424-0602);
- information exchange and referral on positive policies, practices, programs, and activities that can be used as models;
- a series of "how-to-do-it" pamphlets for use by local child advocates in pursuing local change;
- technical assistance by fulltime network staff to bolster the effectiveness and coordination of groups and individuals; and
- policy briefings on federal developments of importance to children and families.

The aim of the Children's Defense Fund is to keep children in the home by resolving family or parent/child problems, so that institutionalization becomes unnecessary. The Children's Defense Fund publication, Children in Adult Jails, provides a complete checklist of practices and policies related to the jailing of children.

(2) PARTICIPATE IN STATE AND LOCAL PLANNING EFFORTS TO REMOVE JUVENILES FROM INAPPROPRIATE CONFINEMENT, INCLUDING ADULT JAILS AND LOCKUPS.

The Juvenile Justice and Delinquency Prevention Act mandates that each state receiving funds under the Act establish an advisory group in juvenile justice and delinquency prevention, which may:

> ...participate in the development and review of the state's juvenile justice plan;
>
> ...advise the State Planning Agency and its supervisory board;
>
> ...advise the Governor and the legislature on matters related to its functions, as requested;
>
> ...have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications; and
>
> ...be given a role in monitoring state compliance with requirements to deinstitutionalization of status offenders and removal of juveniles from adult jails and lockups, advising the State Planning Agency on the composition of the state supervisory board and maintenance of effort and the review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive state plan.

The Act requires the advisory group to be appointed by the chief executive of the state, with the stipulation that a majority of members, including the chairperson, not be full-time employees of the federal, state or local governments.

Many cities, counties, and governmental agencies establish similar advisory groups at the local level, or temporary task forces with specific objectives. For example, 13 members of the West Virginia State Advisory Group conducted on-site inspection of 55 county jails to examine living conditions, the extent to which juveniles were being held in these facilities, and the degree of contact between juveniles and adult offenders. The members worked in teams and completed all inspections in a 60-day period. The quality of the information was good, serving as the basis of the State Monitoring Report to the Office of Juvenile Justice and Delinquency Prevention. Total cost was $1,000 and each of the SAG members felt it was a valuable experience which provided first-hand information on the problems of children in adult jails.

In Lexington, Kentucky, the Fayette County Juvenile Justice Coalition was formed in response to a court order prohibiting the use of the county jail for juveniles. Composed of citizens and professional organizations, the Coalition was instrumental in planning alternative programs to adult jails. The Children in Custody Initiative in 1978 sponsored numerous youth advocacy coalitions and expanded the work of several already successful efforts such as the Juvenile Justice Center of Pennsylvania and the National Youth Work Alliance. Many of these organizations are listed in the appendix.

(3) MOBILIZE EXISTING GROUPS WITH AN INTEREST IN JUVENILE JUSTICE AND DELINQUENCY PREVENTION ON THE ISSUE OF CHILDREN IN JAILS.

Groups such as service clubs, professional and fraternal organizations, business association, labor unions, and private child advocacy groups have contributed long hours of voluntary services, as well as organizational influence to create change in the criminal justice system at all levels.

The Association of Junior Leagues, Inc., has produced a guide for citizens who want to improve criminal justice procedures and resources. This "how to" handbook is based on a two-year study of 50 individual Junior League projects and offers case studies of eight of these. The handbook was produced with the aid of a grant from the Law Enforcement Assistance Administration.

The National Council on Crime and Delinquency and the Community Services Department of the AFL-CIO have cooperated in establishing educational programs to acquaint workers with the criminal justice system in their communities.

The Florida Center for Children and Youth conducted a statewide examination of admission procedures, living conditions, and detention practices in the state's adult jails and lockups. They discovered many factors which perpetuated the jailing of children, enabling them to make inexpensive but high impact recommendations to the state legislature, state agencies, and jail officials.

(4) VOLUNTEER TO WORK ON PROGRAMS FOR JUVENILES WHICH PRESENT ALTERNATIVES TO JAILS AND DETENTION CENTERS.

Nationally, there are noteworthy programs where volunteers help provide alternatives to adult jails and other types of secure detention.

When Florida prohibited the detention of status offenders, the Division of Youth Services developed a system of volunteer coordinators to recruit foster parents, plan and implement funding, and organize volunteers to assist these children. Foster parents are interviewed, carefully checked for qualifications, and approved by the court in a formal ceremony. There are now 900 volunteer foster homes in the program--which provides youngsters a comfortable place to stay, with little stigma attached, at a cost of about $4.75 a day. The keystone of the program is the volunteer coordinator, who keeps in constant contact with the family, lending both real and moral support.

Conclusion

The passage of the Juvenile Justice and Delinquency Prevention Act provided a cornerstone from which the growing number of tragedies could be addressed. Since its enactment in 1974, the passage of national standards, the promulgation of state legislation, the monitoring and public education activities of youth advocacy groups and the consolidation of national influence under the National Coalition for Jail Reform have all lent credence to the position that juveniles should be completely removed from adult jails and lockups.

Obviously, there are several important issues which remain to be resolved in this area. Greater knowledge is needed concerning the social and emotional consequences of incarceration on the growth and development of youth. We need to further examine the validity of offense, legal status, and legal history criteria suggested by the emerging national standards. Rural communities where the practice of jailing juveniles is greatest due to a lack of alternative resources need to emphasize the development of alternatives which are economically feasible in small units such as home detention and emergency foster care. Legally, the courts must resolve the use of adult jails and lockups in view of their responsibilities to hear the merits of waiver prior to involvement of a juvenile in the criminal justice system. A reluctance to extend these responsibilities and prohibit the jailing of juveniles under the jurisdiction of the juvenile court will only perpetuate the enormous and inappropriate flow of tax dollars into adult jails and lockups, to the detriment of both more workable and cost efficient alternatives and the juveniles involved in the system.

APPENDIX

Technical Assistance
State Planning Agencies
Youth Advocacy Groups
References

Technical Assistance

Technical assistance (TA) is directed toward helping organizations implement the Juvenile Justice and Delinquency Prevention Act. TA is on-site consultation, training, workshops or the distribution of materials. Technical assistance should result in a transfer of capabilities--passing along new skills or teaching new concepts.

The goals of OJJDP's Technical Assistance Program are:

1. To improve the practice of delinquency prevention to reduce the commission of delinquent and status offenses by juveniles.

2. To alter traditional responses to juveniles who are status offenders or who are dependent or neglected.

3. To establish programs which offer alternative responses to delinquent behavior and which reduce the commission of delinquent acts.

4. To improve the administration of justice for juveniles.

All organizations serving youth are eligible to receive technical assistance. However, all requests must meet four basic criteria for approval by the Office:

1. The assistance will help the recipient achieve one or more objectives of the JJDP Act.

2. The assistance will have positive impact on the juvenile justice and youthserving systems.

3. The OJJDP contractors are the most qualified and appropriate to provide the assistance.

4. The recipient is committed to working with the contractor for positive change.

The Office solicits written requests for technical assistance every six months through the State Planning Agencies (SPA). Requests are reviewed according to the criteria above. If approved, requests are assigned to a TA contractor for follow-up. Work plans are then developed by the TA contractor outlining the purpose of the assistance and how it will be provided.

OJJDP has contracted with four technical assistance providers:

Arthur D. Little, Inc.
Pamela Fenrich, Project Director
1735 Eye St., N.W., Suite 513
Washington, D.C. 20006

Westinghouse National Issues Center
Jeanne Weaver, Project Director
2341 Jefferson Davis Highway
Suite 1111
Arlington, Virginia 22202

National Office for Social
Responsibility
Robert Gemignani, President
RCA Building
1901 N. Moore St.
Arlington, Virginia 22209

Community Research Forum
James Brown, Project Director
University of Illinois at
Urbana-Champaign
505 East Green, Suite 210
Champaign, Illinois 61820

Technical assistance is funded by the Office of Juvenile Justice and Delinquency Prevention, and so comes free of charge to the recipient. However, while recipients are not asked to pay for TA, they are asked to commit staff time and effort.

For further information, contact:

Ms. Nancy Kujawski
Technical Assistance Coordinator
Formula Grants and Technical Assistance
Division
Office of Juvenile Justice and
Delinquency Prevention
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W., 4th Floor
Washington, D.C. 20531

State Planning Agencies

Alabama Law Enforcement Planning Agency
2863 Fairlane Drive
Building F, Suite 49, Executive Park
Montgomery, AL 36116 205/277-5440

Governor's Commission on the Administration
of Justice
Pouch AJ
Juneau, AK 99811 907/465-3591

Criminal Justice Planning Agency
Government of American Samoa
Box 3760
Pago Pago, American Samoa 96799

Arizona State Justice Planning Agency
Professional Plaza, Suite 400
4820 North Black Canyon Freeway
Phoenix, AZ 85017 602/271-5466

Arkansas Crime Commission
1515 Building, Suite 700
Little Rock, AR 72202 501/371-2916

Office of Criminal Justice Planning
7171 Bowling Drive
Sacramento, CA 95823 916/322-5703

Division of Criminal Justice
1313 Sherman Street, Room 419
Denver, CO 80203 303/839-3277

Connecticut Justice Commission
75 Elm Street
Hartford, CT 06115 203/566-3500

Delaware Criminal Justice Commission
State Office Building, Fourth Floor
820 N. French Street
Wilmington, DE 19801 301/571-3435

Office of Criminal Justice Plans and
Analysis
Munsey Building, Suite 200
1329 E Street, NW
Washington, DC 20004 202/727-6495

Bureau of Criminal Justice Planning
and Assistance
530 Carlton Building, Room 215
Tallahassee, FL 32304 904/488-8016

State Crime Commission
3400 Peachtree Road, NE, Suite 625
Atlanta, GA 30326 404/894-4420

Territorial Crime Commission
Government of Guam
P.O. Box 2950
Agana, Guam 96910

State Law Enforcement and Juvenile
Delinquency Planning Agency
1010 Richards Street
Kamamalu Building, Room 412
Honolulu, HI 96813 808/548-3800

Law Enforcement Planning Commission
700 West State Street
Boise, ID 83720 208/384-2364

Illinois Law Enforcement Commission
120 South Riverside Plaza, 10th Floor
Chicago, IL 60606 312/454-1560

Indiana Criminal Justice Planning Agency
215 North Senate
Indianapolis, IN 46202 317/633-4774

Iowa Crime Commission
Lucas State Office Building
Des Moines, IA 50319 515/281-5400

Governor's Committee on Criminal
Administration
503 Kansas Avenue, 2nd Floor
Topeka, KS 66603 913/296-3066

Executive Office of Staff Services
Kentucky Department of Justice
State Office Building Annex, 2nd Floor
Frankfort, KY 40601 502/564-3251

Louisiana Commission on Law Enforcement
and Administration of Criminal Justice
1885 Wooddale Boulevard, Room 615
Baton Rouge, LA 70806 504/925-4432

Maine Law Enforcement Planning and
Assistance Agency
11 Parkwood Drive
Augusta, ME 04330 207/289-3361

Governor's Commission on Law Enforcement
and Administration of Justice
One Investment Place, Suite 700
Towson, MD 21204 301/321-3628

Committee on Criminal Justice
110 Tremont Street, 4th Floor
Boston, MA 02108 617/727-7096

Office of Criminal Justice
Lewis Cass Building, 2nd Floor
Lansing, MI 48909 517/374-9600

Crime Control Planning Board
444 Lafayette Road, 6th Floor
St. Paul, MN 55101 612/296-7441

Mississippi Criminal Justice Planning
Division
723 N. President Street, Suite 400
Jackson, MS 39202 601/354-4111

Missouri Council on Criminal Justice
P.O. Box 1041
Jefferson City, MO 65101 314/751-3432

Board of Crime Control
1336 Helena Avenue
Helena, MT 59601 406/449-3604

Nebraska Commission on Law Enforcement
and Criminal Justice
State Capitol Building
Lincoln, NE 68509 402/471-2194

Commission on Crime, Delinquency
and Corrections
430 Jeanell, Capitol Complex
Carson City, NV 89710 702/885-4406

Governor's Commission on Crime
and Delinquency
169 Manchester Street
Concord, NH 03301 603/271-3601

Law Enforcement Planning Agency
3535 Quaker Bridge Road
Trenton, NJ 08625 609/292-4984

Administrative Services Division
Department of Criminal Justice
113 Washington Avenue
Santa Fe, NM 87501 505/827-5222

Division of Criminal Justice Services
80 Centre Street, 4th Floor
New York, NY 10013 212/488-3999

Division of Crime Control
P.O. Box 27687
Raleigh, NC 27611 919/733-5013

North Dakota Combined Law Enforcement
Council
Box B
Bismarck, ND 58505 701/224-2594

Department of Economic and
Community Development
30 East Broad Street, 26th Floor
Columbus, OH 43215 614/466-3887

Oklahoma Crime Commission
3033 N. Walnut
Oklahoma City, OK 73105 405/521-2821

Law Enforcement Council
2001 Front Street, NE
Salem, OR 97310 503/378-4410

Pennsylvania Commission on Crime
and Delinquency
Department of Justice
P.O. Box 1167, Federal Square Station
Harrisburg, PA 17108 717/787-8559

Puerto Rico Crime Commission
GPO Box 1256
Hato Rey, PR 00936

Rhode Island Governor's Justice
Commission
110 Eddy Street
Providence, RI 02903 215/348-2911

Office of Criminal Justice Programs
Edgar A. Brown Office Building
1205 Pendleton Street
Columbia, SC 29201 804/758-8940

South Dakota State Criminal
Justice Commission
200 West Pleasant Drive
Pierre, SD 57501 605/773-3665

Tennessee Law Enforcement Planning
Agency
4950 Linbar Drive, Browning-Scott Bldg.
Nashville, TN 37211 615/741-3521

Criminal Justice Division
Office of the Governor
411 W. 13th Street
Austin, TX 78701 512/475-4444

Law Enforcement Planning Agency
255 South 3rd Street East
Salt Lake City, UT 84111 801/533-4546

Vermont Commission on the Administration
of Justice
149 State Street
Montpelier, VT 05602 802/828-2351

Division of Justice and Crime Prevention
8501 Mayland Drive, Parham Park
Richmond, VA 23229 804/281-9276

Virgin Islands Law Enforcement Planning
Commission
P.O. Box 3807
St. Thomas, VI 00801

Law and Justice Planning Office
Office of Community Development
Office of the Governor
Olympia, WA 98504 206/753-3946

Criminal Justice and Highway Safety
Division
Morris Square, Suite 321
1212 Lewis Street
Charleston, WV 25301 304/348-8814

Wisconsin Council on Criminal Justice
122 West Washington Avenue, 4th Floor
Madison, WI 53703 608/266-7641

Youth Advocacy Groups

Youth Law Center
693 Mission St.
San Francisco, CA 94105

National Center for Action on
Institutions and Alternatives
1346 Connecticut Ave. N.W.
Washington, DC 20036

National Youth Work Alliance
1346 Connecticut Ave. N.W.
Washington, DC 20036

National Juvenile Law Center, Inc.
3701 Lindell Blvd.
St. Louis, MO 63108

National Council on Crime
and Delinquency
411 Hackensack Ave.
Hackensack, NJ 07601

Juvenile Justice Center
of Pennsylvania
2100 Locust St.
Philadelphia, PA 19103

National Juvenile Justice Program
Collaboration
345 E. 46th St.
New York, NY 10017

National Council of Negro Women
1346 Connecticut Ave. N.W.
Washington, DC 20036

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Washington, DC 20531

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National Legal Resource Center for
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Washington, DC 20036

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New York, NY 10016

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Philadelphia, PA 19102

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New York, NY 10022

Association on American Indian
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New York, NY 10016

Children's Defense Fund
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Washington, DC 20036

The Children's Foundation
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Washington, DC 20036

Children's Rights, Inc.
3443 17th St. N.W.
Washington, DC 20010

Coalition for Children and Youth
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Washington, DC 20005

Council on Jewish Federations and
Welfare Funds
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New York, NY 10022

National Assembly of National Voluntary
Health and Social Welfare Organizations
345 E. 46th St.
New York, NY 10017

National Association of Counties
1735 New York Ave. N.W.
Washington, DC 20006

National Center for Voluntary Action
1625 Massachusetts Ave. N.W.
Washington, DC 20036

National Commission on Resources
for Youth
36 W. 44th St.
New York, NY 10036

National Committee for Prevention of
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111 E. Wacker Dr., Suite 510
Chicago, IL 60601

National Conference of Catholic Charities
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Washington, DC 20036

National Council of Jewish Women
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New York, NY 10010

National Council of Juvenile and
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University of Nevada, P.O. Box 8000
Reno, NV 89507

National Council of Negro Women
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Washington, DC 20036

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Children and Youth
Kirkland St.
Cambridge, MA 02138

National Council of the Churches
of Christ
Child and Family Justice Project
475 Riverside Dr., Rm. 560
New York, NY 10027

National Council of the YMCA's of USA
291 Broadway
New York, NY 10007

National Council on Crime and
Delinquency
Continental Plaza, 411 Hackensack Ave.
Hackensack, NJ 07601

National Legal Aid and Defender Association
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Washington, DC 20037

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Louisville, KY 40205

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143 N. Meridian, Suite 309
Board of Trade Building
Indianapolis, IN 46204

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Littleton, CO 80121

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San Francisco, CA 94109

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Lansing, MI 48933

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Tallahassee, FL 32301

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Washington, DC 20005

Alston Wilkes Society
2215 Divine Street
Columbia, SC 29202

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